

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: SHOP-VAC MARKETING
AND SALES PRACTICES
LITIGATION

MDL No. 2380

Civil Action No. 4:12-md-02380

THIS DOCUMENT RELATES TO:
All Cases

(Judge Kane)

**DECLARATION OF JAMES J. RODGERS IN SUPPORT OF CLASS
PLAINTIFFS' MOTION TO COMPEL OBJECTOR-APPELLANT
SHIRLEY MORALES TO POST AN APPEAL BOND, PURSUANT TO
FED. R. APP. P. 7**

I, James J. Rodgers, declare as follows:

1. I am a partner of the law firm of Dilworth Paxson LLP, located in Harrisburg, Pennsylvania. I submit this declaration in support of Class Plaintiffs' Motion to Compel Objector-Appellant Shirley Morales to Post an Appeal Bond, Pursuant to Fed. R. App. P. 7. I have personal knowledge of the matters set forth herein based upon my participation in all material aspects of the litigation.

2. Attached as Exhibit A is a true and correct copy of the transcript of the deposition of Shirley Morales taken in this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 28nd day of December 2016, at Philadelphia, Pennsylvania.

/s/ James J. Rodgers
James J. Rodgers

EXHIBIT A

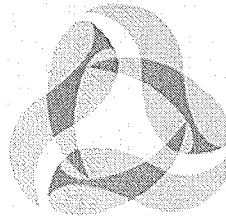
The Deposition of

SHIRLEY MORALES

September 11, 2016

IN RE SHOP-VAC MARKETING AND SALES
PRACTICES LITIGATION

Case No.: 4:12-md-23080YK



S Y N E R G Y

L E G A L

LITIGATION SUPPORT SERVICES

SHIRLEY MORALES

1 (Pages 1 to 4)

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA</p> <p style="text-align: center;">IN RE SHOP-VAC MARKETING AND MDL No. 2380 SALES PRACTICES LITIGATION Civil Action No. 4:12-md-23080-YK</p> <p style="text-align: center;">DEPOSITION OF SHIRLEY MORALES Taken on behalf of the Plaintiff September 11, 2016</p> <p>BE IT REMEMBERED THAT, pursuant to Oregon Rules of Civil Procedure, the deposition of SHIRLEY MORALES was taken before Suzanne Ricardo, CSR 13639, a Certified Shorthand Reporter, on September 11, 2016 commencing at the hour of 2:58 p.m., the proceedings being reported at the offices of Kelly D. Jones, 819 SE Morrison Street, Suite 225, Portland, Oregon.</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (continued.)</p> <p>2</p> <p>3 Appearing on behalf of the DEPONENT:</p> <p>4 MARDI HARRISON (by telephone.)</p> <p>5 THE LAW OFFICE OF MARDI HARRISON</p> <p>6 125 Edison Furlong Road</p> <p>7 Doylestown, Pennsylvania 18901</p> <p>8 (267)252-1035</p> <p>9 mardi@suetheboss.com</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>																																														
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 Appearing on behalf of the PLAINTIFF:</p> <p>4 BONNER C. WALSH</p> <p>5 WALSH LLC</p> <p>6 21810 Pine Crest Drive</p> <p>7 PO Box 7</p> <p>8 Bly, Oregon 97622</p> <p>9 (541)359-2817</p> <p>10 bonner@walshpllc.com</p> <p>11</p> <p>12 Appearing on behalf of the DEFENDANT:</p> <p>13 MICHAEL B. SHORTNACY</p> <p>14 SIDLEY AUSTIN LLP</p> <p>15 555 West Fifth Street</p> <p>16 Los Angeles, California 90013</p> <p>17 (213)896-6665</p> <p>18 mshortnacy@sidley.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 EXAMINATION INDEX</p> <p>2</p> <table border="0"> <tr> <td>3 EXAMINATION</td> <td style="text-align: right;">PAGE</td> </tr> <tr> <td>4 By Mr. Walsh</td> <td style="text-align: right;">5</td> </tr> <tr> <td>5 By Mr. Shortnacy</td> <td style="text-align: right;">75</td> </tr> <tr> <td>6 By Mr. Walsh</td> <td style="text-align: right;">89</td> </tr> <tr> <td>7</td> <td></td> </tr> <tr> <td>8</td> <td></td> </tr> <tr> <td>9 EXHIBIT INDEX</td> <td></td> </tr> <tr> <td>10</td> <td></td> </tr> <tr> <td>11 EXHIBIT NO. DESCRIPTION</td> <td style="text-align: right;">PAGE</td> </tr> <tr> <td>12 1- Business Card and CV</td> <td style="text-align: right;">9</td> </tr> <tr> <td>13 2- Discovery Request</td> <td style="text-align: right;">15</td> </tr> <tr> <td>14 3- Responses to Interrogatories</td> <td style="text-align: right;">15</td> </tr> <tr> <td>15</td> <td></td> </tr> <tr> <td>16 4- Photograph</td> <td style="text-align: right;">18</td> </tr> <tr> <td>17 5- Objection</td> <td style="text-align: right;">41</td> </tr> <tr> <td>18 6- Chase Objection</td> <td style="text-align: right;">65</td> </tr> <tr> <td>19 7- Joint Motion for Withdrawal</td> <td style="text-align: right;">73</td> </tr> <tr> <td>20</td> <td></td> </tr> <tr> <td>21 WITNESS INSTRUCTED</td> <td></td> </tr> <tr> <td>22 NOT TO ANSWER</td> <td></td> </tr> <tr> <td>23 PAGE LINE</td> <td></td> </tr> <tr> <td>24 88 10</td> <td></td> </tr> <tr> <td>25 94 20</td> <td></td> </tr> </table>	3 EXAMINATION	PAGE	4 By Mr. Walsh	5	5 By Mr. Shortnacy	75	6 By Mr. Walsh	89	7		8		9 EXHIBIT INDEX		10		11 EXHIBIT NO. DESCRIPTION	PAGE	12 1- Business Card and CV	9	13 2- Discovery Request	15	14 3- Responses to Interrogatories	15	15		16 4- Photograph	18	17 5- Objection	41	18 6- Chase Objection	65	19 7- Joint Motion for Withdrawal	73	20		21 WITNESS INSTRUCTED		22 NOT TO ANSWER		23 PAGE LINE		24 88 10		25 94 20	
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2 (Pages 5 to 8)

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<p>1 Portland, Oregon; Sunday, September 11, 2016</p> <p>2 2:58 p.m.</p> <p>3</p> <p>4 SHIRLEY MORALES, having been first duly sworn, was</p> <p>5 examined and testified as follows:</p> <p>6</p> <p>7 MR. WALSH: First and foremost, I was going</p> <p>8 to state on the record that we have your counsel</p> <p>9 appearing here by phone and we did that by agreement;</p> <p>10 is that correct, Mardi?</p> <p>11 MS. HARRISON: Yes.</p> <p>12 MR. WALSH: And we're all going to try to</p> <p>13 work through this as best as possible.</p> <p>14</p> <p>15 EXAMINATION</p> <p>16 BY MR. WALSH:</p> <p>17 Q. Would you state your full name for the</p> <p>18 record, please.</p> <p>19 A. Shirley Ann Morales.</p> <p>20 Q. And you do realize you've been sworn here</p> <p>21 today; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Have you ever been deposed before?</p> <p>24 A. I might have been. I've been at one where I</p> <p>25 watched someone else, but I can't remember if I was</p>	<p>1 answer your question completely, if you'll do your</p> <p>2 best to let me finish mine.</p> <p>3 Okay?</p> <p>4 A. Yes.</p> <p>5 Q. Perfect. We'll let you know if we need you</p> <p>6 to speak up, like your counsel did earlier. It's</p> <p>7 important to speak up. That's not really an</p> <p>8 agreement, it's more of a statement.</p> <p>9 If you need a break at any time, just let me</p> <p>10 know, and we'll try to accommodate you.</p> <p>11 Okay?</p> <p>12 A. All right.</p> <p>13 Q. Now, the rules are, if I have a question on</p> <p>14 the table, you are supposed to answer it before a</p> <p>15 break. I may pressure you to answer that question.</p> <p>16 So why I'm telling you that is, it's important to say,</p> <p>17 "I'm going to need a break soon," and just let me</p> <p>18 know, and we'll work with you.</p> <p>19 Okay?</p> <p>20 A. All right.</p> <p>21 Q. Here's the part where I say, "the rules,"</p> <p>22 they are really agreements, but it's just something</p> <p>23 that's very important, so I like to make sure we</p> <p>24 understand it. And that is, if you don't completely</p> <p>25 understand one of my questions, just let me know. You</p>
Page 6	Page 8
<p>1 deposed.</p> <p>2 Q. About how long ago was that, if you remember?</p> <p>3 A. Yes, that was around 1986.</p> <p>4 Q. Well, you are doing better than me, if you</p> <p>5 can remember the year, if it was around 1986.</p> <p>6 You have a little bit of an idea how</p> <p>7 depositions go.</p> <p>8 A. Yes.</p> <p>9 Q. We're going to discuss some guidelines and</p> <p>10 then I'm going to have what I call rules, but they are</p> <p>11 more of an agreement between us that will help us do</p> <p>12 this a little bit quicker and easier. I'll go through</p> <p>13 those and we'll see if we can agree to them or not.</p> <p>14 Like the court reporter said, she's here to take all</p> <p>15 of this down, so it's very important, whatever your</p> <p>16 answer is, that it be out loud. It's real easy for us</p> <p>17 to nod and say "uh-huh" or "huh-uh," but if you can do</p> <p>18 verbal answers, that will help a lot today.</p> <p>19 Can we have an agreement to have verbal</p> <p>20 answers?</p> <p>21 A. Yes.</p> <p>22 Q. And then -- you've been doing so great at it</p> <p>23 so far -- and most people don't, even this early in</p> <p>24 the deposition -- and that is, we'll need to try to</p> <p>25 not talk over each other. I'll do my best to let you</p>	<p>1 must immediately let me know that you don't, so I can</p> <p>2 help you understand.</p> <p>3 Okay?</p> <p>4 A. I will do my best.</p> <p>5 Q. Perfect. That's all can I ask for.</p> <p>6 And if you don't know an answer to a</p> <p>7 question, just tell us. That's fine.</p> <p>8 A. All right.</p> <p>9 Q. And if you need to review any documents</p> <p>10 today, let me know. If we have them, I'll get them</p> <p>11 for you. If not, we'll get them printed out.</p> <p>12 A. All right.</p> <p>13 Q. Could we have a further agreement that if I</p> <p>14 refer to "Shop-Vac," that you'll know I'm talking</p> <p>15 about -- if I say "Shop-Vac" or "vacuum," can we have</p> <p>16 an agreement that you'll know we're talking about the</p> <p>17 Shop-Vacs in this case?</p> <p>18 A. Yes.</p> <p>19 Q. And when I refer to the "Objection," could we</p> <p>20 have the agreement that I'm talking about the</p> <p>21 objection that you filed in this case?</p> <p>22 A. Yes.</p> <p>23 Q. And I see that you did bring some documents</p> <p>24 here for me today. You brought a business card from</p> <p>25 Springwater Trail High School; is that correct?</p>

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3 (Pages 9 to 12)

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<p>1 A. That's correct.</p> <p>2 Q. And then you brought a CV, basically, that</p> <p>3 talks about your previous work and your current</p> <p>4 position at Springwater Trail High School; correct?</p> <p>5 A. That's correct.</p> <p>6 MR. WALSH: I'm going to go ahead and have</p> <p>7 these marked as Exhibit 1. I don't have any questions</p> <p>8 about them, I'm just going to have them marked and we</p> <p>9 will keep them.</p> <p>10 (Plaintiff's Exhibit 1 was marked for</p> <p>11 identification.)</p> <p>12 BY MR. WALSH:</p> <p>13 Q. And you also brought the Shop-Vac vacuum</p> <p>14 cleaner here with you today; is that correct?</p> <p>15 A. Yes, I did.</p> <p>16 Q. And previously, through your counsel, you</p> <p>17 produced several pictures of three vacuum cleaners.</p> <p>18 Do you remember that?</p> <p>19 A. Yes.</p> <p>20 Q. And then some detailed pictures of one of</p> <p>21 those three vacuum cleaners.</p> <p>22 A. That's right.</p> <p>23 Q. And the vacuum cleaner that you brought with</p> <p>24 you here today, that is the middle vacuum from the</p> <p>25 picture that you sent; is that correct?</p>	<p>1 Q. And what do you do?</p> <p>2 A. I'm a teacher.</p> <p>3 Q. And what do you teach?</p> <p>4 A. I teach art and yoga therapy.</p> <p>5 Q. Any other subjects that you teach there at</p> <p>6 Springwater?</p> <p>7 A. No.</p> <p>8 Q. And this isn't in your first jobs as a</p> <p>9 teacher, is it?</p> <p>10 A. No.</p> <p>11 Q. Where else have you been a teacher?</p> <p>12 A. Oh, my goodness. I've been a teacher at</p> <p>13 Sweetwater School, at Springdale Job Corps, and for</p> <p>14 Multnomah Educational Service District. And I've also</p> <p>15 worked for a variety of schools through the Regional</p> <p>16 Arts and Culture Council, and also as a private</p> <p>17 contractor.</p> <p>18 Q. Was that always in Oregon or in other states,</p> <p>19 as well?</p> <p>20 A. That was always in Oregon. I also taught at</p> <p>21 Mt. Hood Community College.</p> <p>22 Q. And what did you teach at Mt. Hood Community</p> <p>23 College?</p> <p>24 A. Pilates and yoga.</p> <p>25 Q. Besides art and yoga and other associated</p>
Page 10	Page 12
<p>1 A. That is correct.</p> <p>2 Q. And any pictures that you gave us that were</p> <p>3 of components of the vacuum, rather than the three</p> <p>4 vacuum cleaners, were pictures of the vacuum that you</p> <p>5 brought us here today.</p> <p>6 A. That's right.</p> <p>7 MR. WALSH: Mardi, can you still hear us</p> <p>8 okay? The air conditioning kicked in.</p> <p>9 MS. HARRISON: I can hear you. It's a little</p> <p>10 harder to hear Shirley.</p> <p>11 THE WITNESS: I'm sorry, Mardi. I talk low.</p> <p>12 BY MR. WALSH:</p> <p>13 Q. Now, I have some intro questions. I don't</p> <p>14 want to know what you discussed with your attorney.</p> <p>15 Don't tell me what you discussed with your attorney,</p> <p>16 but my question is: Did you discuss this deposition</p> <p>17 with your attorney prior to coming here today? It's</p> <p>18 just a "yes" or "no."</p> <p>19 A. Yes.</p> <p>20 Q. Was there anyone else present while you were</p> <p>21 having that conversation?</p> <p>22 A. No.</p> <p>23 Q. Who is your current employer?</p> <p>24 A. Springwater Trail High School -- well, that's</p> <p>25 actually Gresham-Barlow School District.</p>	<p>1 disciplines, like Pilates and yoga, are there any</p> <p>2 other subjects you have taught in any school</p> <p>3 environment?</p> <p>4 A. Yes, and it's many years -- it's difficult to</p> <p>5 recall everything, but I've taught -- I started out</p> <p>6 teaching reading, and that was for Parkrose School</p> <p>7 District.</p> <p>8 Q. Have you ever taught any science courses?</p> <p>9 A. Only as a substitute.</p> <p>10 Q. We'll just start broad and move forward a</p> <p>11 little bit --</p> <p>12 A. Excuse me, many of my classes -- actually,</p> <p>13 there was a class that was art integrated with</p> <p>14 science. And I don't think of myself as a scientific</p> <p>15 person, but it was astronomy.</p> <p>16 Q. Let's talk for just a minute about your</p> <p>17 educational background.</p> <p>18 Where did you go to high school?</p> <p>19 A. In La Palma, California.</p> <p>20 Q. And what year did you graduate?</p> <p>21 A. 1969.</p> <p>22 Q. And did you have any post secondary education</p> <p>23 after graduating from La Palma High School in 1979</p> <p>24 (sic)?</p> <p>25 A. Yes.</p>

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4 (Pages 13 to 16)

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<p>1 Q. And where did you go to school after La Palma</p> <p>2 High School?</p> <p>3 A. Well, you want every school that I've gone to</p> <p>4 or the ones -- primary --</p> <p>5 Q. Let's say, were there any schools that you</p> <p>6 went to where you obtained a degree or certification?</p> <p>7 A. Yes.</p> <p>8 Q. What other education did you go to -- that</p> <p>9 was a terrible question. See, I will do that</p> <p>10 sometimes, too. I'll ask terrible questions that</p> <p>11 don't even make sense to me, and I'll have to stop and</p> <p>12 go back. Sorry about that.</p> <p>13 After you went to high school, tell me what</p> <p>14 schools you went to, where you obtained a degree.</p> <p>15 A. I went to Eastern Oregon University.</p> <p>16 Q. And what degree did you obtain from Eastern</p> <p>17 Oregon University?</p> <p>18 A. A Bachelor's degree.</p> <p>19 Q. And what discipline was that Bachelor's</p> <p>20 degree in?</p> <p>21 A. It was liberal studies, with two minors. One</p> <p>22 was in art, and the other was in sociology and</p> <p>23 anthropology.</p> <p>24 Q. I'm smiling because I did anthropology a good</p> <p>25 bit, too.</p>	<p>1 the law?</p> <p>2 A. I don't believe so.</p> <p>3 Q. So we keep things moving forward, I think</p> <p>4 it's probably best to go through the discovery</p> <p>5 responses --</p> <p>6 A. Can I change that and just say "no"? I am</p> <p>7 sure I haven't had any.</p> <p>8 Q. I'm going fix that, too, on the record for</p> <p>9 you. So you are saying, "no," you have not had any</p> <p>10 criminal convictions in the last ten years; is that</p> <p>11 correct?</p> <p>12 A. That's correct.</p> <p>13 Q. And that was perfect. That's something I</p> <p>14 didn't say earlier that you caught on to and handled</p> <p>15 just perfectly, and that is, if you think about</p> <p>16 something and you realize you need to fix it, fix it</p> <p>17 sooner rather than later. So thank you.</p> <p>18 MR. WALSH: I'm going get marked as Exhibit 2</p> <p>19 a copy of the discovery request that we sent to you.</p> <p>20 Mardi, I'm going to hand her the discovery</p> <p>21 request that we sent to you, and I'm also going to get</p> <p>22 a copy of the answers and hand that to her, as well.</p> <p>23 MS. HARRISON: Okay. I've got them here.</p> <p>24 (Plaintiff's Exhibits 2 and 3 were marked for</p> <p>25 identification.)</p>
Page 14	Page 16
<p>1 Besides the Bachelor's degree in Liberal Arts</p> <p>2 from Eastern Oregon University, were there any other</p> <p>3 schools you went to where you obtained a degree?</p> <p>4 A. Yes.</p> <p>5 Q. What school was that?</p> <p>6 A. Lewis-Clark State College.</p> <p>7 Q. And what degree did you obtain at Lewis-Clark</p> <p>8 State College?</p> <p>9 A. It was a teacher certification.</p> <p>10 Q. So it wasn't a degree, it was a</p> <p>11 certification?</p> <p>12 A. That's right.</p> <p>13 Q. Are there any other certifications you hold,</p> <p>14 besides the teacher certification?</p> <p>15 A. Yoga teacher certification.</p> <p>16 Q. Where did you get the yoga teacher</p> <p>17 certification?</p> <p>18 A. Insight Yoga.</p> <p>19 Q. Let's just have you spell "Insight."</p> <p>20 A. I-N-S-I-G-H-T.</p> <p>21 Q. Thank you.</p> <p>22 Now, this is a question that I always have to</p> <p>23 ask everybody that I'm deposing, don't take it</p> <p>24 personally. I'm going to exclude traffic tickets.</p> <p>25 Besides traffic tickets, have you had any run-ins with</p>	<p>1 BY MR. WALSH:</p> <p>2 Q. And then Exhibit 3 are the responses that we</p> <p>3 were given. I just wanted to take a moment and work</p> <p>4 through these with you. If you would turn to page</p> <p>5 No. 9 of Exhibit 2, and then page 2 of Exhibit 3. And</p> <p>6 if you'll look at question No. 1 there on page 9 of</p> <p>7 Exhibit 2, I'm going to read it to you. We asked,</p> <p>8 "Please state whether you have owned Shop-Vac brand</p> <p>9 wet/dry vacuum at any time from January 1, 2006</p> <p>10 through May 25th, 2016. If yes, please state the date</p> <p>11 of purchase, receipt as gift, or other means by which</p> <p>12 you acquired possession of the wet/dry vacuum."</p> <p>13 Did I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. And your response was, "I purchased the</p> <p>16 Shop-Vac on or around sometime in the 2008-2010 time</p> <p>17 frame."</p> <p>18 Did I read that correctly?</p> <p>19 A. Yes.</p> <p>20 Q. My only questions there are -- let me ask a</p> <p>21 few.</p> <p>22 What did you get the Shop-Vac for?</p> <p>23 A. What did I get it for?</p> <p>24 Q. Uh-huh.</p> <p>25 A. Primarily, I wanted to vacuum the water out</p>

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5 (Pages 17 to 20)

<p style="text-align: right;">Page 17</p> <p>1 of the very bottom of my hot tub. Secondly, I find</p> <p>2 that there's use for a Shop-Vac, now and then,</p> <p>3 cleaning up after a project.</p> <p>4 Q. When you say "project," you are talking about</p> <p>5 art projects?</p> <p>6 A. No. I was thinking more of a home</p> <p>7 improvement project.</p> <p>8 Q. And in the picture you gave us, I noticed you</p> <p>9 had three different vacuums.</p> <p>10 Were those all three your vacuums?</p> <p>11 A. Yes.</p> <p>12 Q. You are a big purchaser of wet/dry vacuums.</p> <p>13 Would that be fair to say?</p> <p>14 A. Yes. For -- as a homeowner, I usually have a</p> <p>15 wet/dry vacuum.</p> <p>16 Q. Do you recall how much that Shop-Vac cost</p> <p>17 when you purchased it -- a ballpark?</p> <p>18 A. You know, I'd say -- I don't recall the exact</p> <p>19 amount, but, ballpark, in between \$40 and \$50.</p> <p>20 Q. And do you know if that was about the same,</p> <p>21 more, or less than the other two vacuums that were in</p> <p>22 the pictures that you gave to us?</p> <p>23 A. I don't recall the cost on the latest vacuum,</p> <p>24 but the original Shop-Vac, I'd say it was perhaps a</p> <p>25 little bit higher, but not very much.</p>	<p style="text-align: right;">Page 19</p> <p>1 vacuum" -- that you don't recall the price for -- is</p> <p>2 the one that is on the right and stainless steel and</p> <p>3 marked "Stanley"?</p> <p>4 A. That's right.</p> <p>5 Q. I just want to make sure we're talking about</p> <p>6 the same items.</p> <p>7 That older Shop-Vac, do you recall when you</p> <p>8 purchased it?</p> <p>9 A. No.</p> <p>10 Q. But do you know if was before or after 2006?</p> <p>11 A. It was before.</p> <p>12 Q. The middle Shop-Vac, I'm -- that's the only</p> <p>13 one that you are asserting that you purchased that</p> <p>14 gives you standing in this lawsuit; correct?</p> <p>15 A. Correct.</p> <p>16 Q. Do you recall what the stated capacity was on</p> <p>17 that Shop-Vac?</p> <p>18 A. You mean, five-gallon?</p> <p>19 Q. Yes.</p> <p>20 A. Yes.</p> <p>21 Q. And do you recall what the stated horsepower</p> <p>22 was on that vacuum?</p> <p>23 A. Well, I see it.</p> <p>24 Q. And what do you see it say?</p> <p>25 A. I see "2.0."</p>
<p style="text-align: right;">Page 18</p> <p>1 MR. WALSH: And just so I make sure that we</p> <p>2 have this accurately on the record, can I have this</p> <p>3 marked as Exhibit 4?</p> <p>4 And, Mardi, what I'm marking as Exhibit 4 is</p> <p>5 a picture of the three vacuums, and I'm going to hand</p> <p>6 that to your client after we have it marked.</p> <p>7 MS. HARRISON: Okay.</p> <p>8 (Plaintiff's Exhibit 4 was marked for</p> <p>9 identification.)</p> <p>10 BY MR. WALSH:</p> <p>11 Q. Just now, when we were talking about the</p> <p>12 price, you referred to three things. You referred to</p> <p>13 the "Shop-Vac," the "older Shop-Vac," and the "newer</p> <p>14 vacuum."</p> <p>15 Do you remember that?</p> <p>16 A. That's correct.</p> <p>17 Q. And if you are looking at picture, the center</p> <p>18 vacuum is the Shop-Vac you brought with you and the</p> <p>19 one that we've been talking about today; correct?</p> <p>20 A. That's correct.</p> <p>21 Q. And the one you called the "older Shop-Vac"</p> <p>22 is to the left, if you are facing the picture;</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. And the one you call the "newer</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. And do you know what the actual capacity of</p> <p>2 that vacuum was?</p> <p>3 A. No.</p> <p>4 Q. And do you know what the actual horsepower of</p> <p>5 that vacuum was?</p> <p>6 A. No.</p> <p>7 Q. Did you do any types of tests or measurements</p> <p>8 for either of those two variables?</p> <p>9 A. No.</p> <p>10 Q. How can you be sure that you bought it during</p> <p>11 the 2008-2010 timeframe?</p> <p>12 A. Well, because I had a project in my home, and</p> <p>13 I do recall that I bought the Stanley at Costco, and I</p> <p>14 have a ballpark idea in my mind of when I got my</p> <p>15 Costco card, and I bought it within a year. I mean, I</p> <p>16 bought it after this one, not too long after.</p> <p>17 Q. And so you were able to look at your Costco</p> <p>18 card -- or remember when you got your Costco card, and</p> <p>19 work backwards to when you got the Shop-Vac?</p> <p>20 A. That's right. I wasn't satisfied with this</p> <p>21 one, so I bought this one (indicating).</p> <p>22 Q. And why weren't you satisfied with --</p> <p>23 MR. SHORTNACY: Do you want to clarify what</p> <p>24 she's pointing to?</p> <p>25 MR. WALSH: Yes.</p>

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6 (Pages 21 to 24)

Page 21	Page 23
<p>1 BY MR. WALSH:</p> <p>2 Q. When you said you were not satisfied with</p> <p>3 "this one," you indicated the Shop-Vac in the middle;</p> <p>4 is that correct?</p> <p>5 A. That's right.</p> <p>6 Q. And you said that led to the purchase of the</p> <p>7 Stanley vacuum that's to the right of the Shop-Vac.</p> <p>8 A. That's right.</p> <p>9 Q. And that Stanley vacuum is the one you</p> <p>10 purchased at Costco; correct?</p> <p>11 A. That's right.</p> <p>12 Q. And you were able to determine when you had</p> <p>13 your Costco membership, and you knew you purchased the</p> <p>14 Stanley vacuum within, roughly, a year of purchasing</p> <p>15 the Shop-Vac vacuum, because you were dissatisfied</p> <p>16 with it, and that's how you came up the with 2008-2010</p> <p>17 timeframe.</p> <p>18 A. That's right.</p> <p>19 Q. Did you have to look to figure when you had</p> <p>20 your Costco membership, or did you just remember that?</p> <p>21 A. I thought back and had a pretty good idea.</p> <p>22 Q. It's really not all that long ago, is it?</p> <p>23 A. Well, it depends on how you look at that.</p> <p>24 I'm not -- I don't know how to answer that.</p> <p>25 Q. It was six to eight years ago; right?</p>	<p>1 Q. And then your response was, "Mardi Harrison,</p> <p>2 Esq."</p> <p>3 Did I read that correctly?</p> <p>4 A. Yes.</p> <p>5 Q. And, again, I don't want to know anything</p> <p>6 about what you've talked about with Mrs. Harrison, but</p> <p>7 how did you find Ms. Harrison to hire?</p> <p>8 A. You know, I'm not really sure. I think maybe</p> <p>9 a friend or on the Internet. I'm just not sure.</p> <p>10 Q. But either a referral from a friend or</p> <p>11 perhaps you found something on the Internet that led</p> <p>12 you to her. One of the two.</p> <p>13 A. That's right.</p> <p>14 Q. And approximately what date did you retain</p> <p>15 Ms. Harrison, if you recall?</p> <p>16 A. No, I don't recall.</p> <p>17 Q. And besides Ms. Harrison, it's still your</p> <p>18 position no one else is assisting you in this matter;</p> <p>19 correct?</p> <p>20 A. That is correct.</p> <p>21 Q. Let's move on to Interrogatory No. 3 of</p> <p>22 page 9 there of Exhibit 2. We asked, "Please identify</p> <p>23 any person, including yourself, who may be entitled to</p> <p>24 compensation for any reason related to your</p> <p>25 Objection."</p>
Page 22	Page 24
<p>1 A. Uh-huh.</p> <p>2 Q. Is that a "yes"?</p> <p>3 A. Yes.</p> <p>4 Q. Sorry. I have to -- if you are nodding or</p> <p>5 making a sound, I have to run it down to a "yes" or a</p> <p>6 "no." Sorry about that.</p> <p>7 A. Of course.</p> <p>8 Q. And you feel confident in that assessment</p> <p>9 that you made, that this purchase of the middle</p> <p>10 Shop-Vac and the one you assert gives you standing in</p> <p>11 the 2008-2010 timeframe.</p> <p>12 A. Yes.</p> <p>13 Q. If you would hand me Exhibit 4 -- actually,</p> <p>14 put it on top of your resume and things. I want to</p> <p>15 make sure we don't lose those, for the court reporter.</p> <p>16 If you would look at Interrogatory No. 2 on</p> <p>17 page 9 of Exhibit 2, and I'm going to read it slower</p> <p>18 this time, and ask you if I've read it correctly.</p> <p>19 That question asks, "Please identify all</p> <p>20 attorneys and law firms acting on your behalf or</p> <p>21 providing legal counsel to you in connection with your</p> <p>22 Objection, regardless of whether such counsel or law</p> <p>23 firm has formally appeared in these proceedings of</p> <p>24 record." And then -- did I read that correctly?</p> <p>25 A. Yes.</p>	<p>1 Did I read that correctly?</p> <p>2 A. Yes.</p> <p>3 Q. And your response to that was,</p> <p>4 "Shirley Morales and Mardi Harrison, Esq."</p> <p>5 Did I read that correctly?</p> <p>6 A. Yes.</p> <p>7 Q. Is that still your position, those are only</p> <p>8 the two people --</p> <p>9 A. Yes.</p> <p>10 Q. Now we're starting to get a little bit into</p> <p>11 the we're talking over each other. So I'll still work</p> <p>12 hard to let you answer the questions, if you'll let me</p> <p>13 finish mine.</p> <p>14 A. Yes.</p> <p>15 Q. Thank you. Let's go ahead and move down to</p> <p>16 Interrogatory No. 4 on page 9. It's going to move</p> <p>17 over to page 10, as well, of Exhibit 2. I'm going to</p> <p>18 read that. It says, "Please state the number of times</p> <p>19 in which you, your counsel, including your counsel's</p> <p>20 law firm, has objected to a class action settlement</p> <p>21 within the five years preceding the date that you</p> <p>22 filed your Objection and provide the caption of each</p> <p>23 case in which such objection was made."</p> <p>24 Did I read that correctly?</p> <p>25 A. That's correct.</p>

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7 (Pages 25 to 28)

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<p>1 Q. And your response -- I'm going to summarize</p> <p>2 it, so she doesn't have to type it all back up. Your</p> <p>3 response was that you had objected to one case and</p> <p>4 your counsel had objected to one case; correct?</p> <p>5 A. That's right.</p> <p>6 Q. And then the case you objected to was Crystle</p> <p>7 Wong -- "Crystle" is spelled C-R-Y-S-T-L-E -- versus</p> <p>8 Alacer, A-L-A-C-E-R, and that was in California; is</p> <p>9 that correct?</p> <p>10 A. Yes, that was correct.</p> <p>11 Q. And is it still your contention, in the last</p> <p>12 five years, that's the only case that you've objected</p> <p>13 to?</p> <p>14 A. I think so.</p> <p>15 Q. That's the only case you remember objecting</p> <p>16 to within the last five years?</p> <p>17 A. That's right. I'm not sure.</p> <p>18 Q. You are not sure whether you objected to any</p> <p>19 more?</p> <p>20 A. I'm not sure. I thought there might be</p> <p>21 something, but I can't remember, and I get notices.</p> <p>22 Q. You get a bunch of notices for class cases?</p> <p>23 A. Uh-huh, I do.</p> <p>24 Q. And when you receive a notice for a class</p> <p>25 case, do you object to all of them?</p>	<p>1 past five years where you've hired an attorney to do</p> <p>2 anything?</p> <p>3 A. I think there was one, but I just can't</p> <p>4 remember the name of it.</p> <p>5 Q. What do you think that was?</p> <p>6 A. Actually, I think there was something with</p> <p>7 Chase, and I don't think I qualified, but that's all I</p> <p>8 can --</p> <p>9 Q. And when you say you don't think you</p> <p>10 qualified, what do you mean by that?</p> <p>11 A. I didn't have the right account or something</p> <p>12 like that. I can't remember. I remember, vaguely,</p> <p>13 there was something about Chase, and I thought I might</p> <p>14 qualify, but I didn't. That's what I think.</p> <p>15 Q. And did you have an attorney for that?</p> <p>16 A. Yes.</p> <p>17 Q. Do you remember what their name was?</p> <p>18 A. I'm sorry, I don't.</p> <p>19 Q. That's okay. Do you remember how long ago</p> <p>20 that was?</p> <p>21 A. I don't.</p> <p>22 Q. Do you remember if it was within the last</p> <p>23 year?</p> <p>24 A. I'm not sure.</p> <p>25 Q. Could be, might not be, really aren't sure,</p>
Page 26	Page 28
<p>1 A. No.</p> <p>2 Q. What percentage of the cases you get notice</p> <p>3 for would you say you object to?</p> <p>4 A. Not very much.</p> <p>5 Q. How about if we change the timeframe to the</p> <p>6 past year, do you recall objecting to any other cases</p> <p>7 within the past year?</p> <p>8 A. You know, I don't really understand what</p> <p>9 "objecting to a case" is. So that's part of my</p> <p>10 problem.</p> <p>11 Q. Well, in this case, you understand that you</p> <p>12 objected in this case; correct?</p> <p>13 A. Uh-huh.</p> <p>14 Q. And when I say "this case," I'm referring to</p> <p>15 Shop-Vac.</p> <p>16 A. Yes.</p> <p>17 Q. And I guess I'm asking, what part of the</p> <p>18 word -- what part of the phrase "object to a class</p> <p>19 action settlement" is unclear? And I'll do my best to</p> <p>20 clarify.</p> <p>21 A. You know, I just don't know a lot about it.</p> <p>22 I don't know what to say.</p> <p>23 Q. That's fair. I'm not trying to put answers</p> <p>24 in front of you. Let me ask it a different way.</p> <p>25 Are there any other class actions within the</p>	<p>1 one way or another?</p> <p>2 A. That's true.</p> <p>3 Q. If it was in the past six months, do you</p> <p>4 think you would remember?</p> <p>5 A. Honestly, I don't recall.</p> <p>6 Q. We should be on page 10, now, of Exhibit 2,</p> <p>7 and let me read Interrogatory No. 5 to you, and let me</p> <p>8 know if I read it correctly. "Please provide a</p> <p>9 statement disclosing any consideration, financial</p> <p>10 compensation, or donation that you, your counsel (if</p> <p>11 any), or your counsel's law firm (if any), has</p> <p>12 received or directed the distribution of in connection</p> <p>13 with the resolution or dismissal of an objection to a</p> <p>14 class action settlement within the five years</p> <p>15 preceding the date that you filed your Objection."</p> <p>16 Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. Does that question make sense to you?</p> <p>19 A. Yes.</p> <p>20 Q. And your response to that was, "I recall both</p> <p>21 my counsel and I receiving some compensation around an</p> <p>22 appeal, but I don't recall the amounts."</p> <p>23 Did I read that correctly?</p> <p>24 A. That's correct.</p> <p>25 Q. And it's been a little while since you've</p>

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8 (Pages 29 to 32)

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<p>1 answered these, have you recalled the amounts of</p> <p>2 compensation that you received since then?</p> <p>3 A. No.</p> <p>4 Q. What case was it that you received</p> <p>5 compensation on, if you know?</p> <p>6 A. I think it's this Crystle Wong.</p> <p>7 Q. And do you remember what year you objected to</p> <p>8 the Crystle Wong case?</p> <p>9 A. No.</p> <p>10 Q. And do you have a ballpark recollection of</p> <p>11 how much money you received in the Crystle Wong</p> <p>12 objection?</p> <p>13 A. No. I'm not sure. I mean, I know that it</p> <p>14 wasn't a lot of money.</p> <p>15 Q. Well, I'm going to have ask a question, what</p> <p>16 do you consider "a lot of money"?</p> <p>17 A. Well, it wasn't like \$10,000 or anything like</p> <p>18 that. I don't recall exactly how much it was.</p> <p>19 Q. And do you know if that was amount you</p> <p>20 actually received or the amount you and your counsel</p> <p>21 received, or do you know?</p> <p>22 A. I was thinking -- I have no idea how much</p> <p>23 counsel received.</p> <p>24 Q. That was how much you received, something</p> <p>25 less than \$10,000.</p>	<p>1 dismissal of you or your counsel's objection."</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. Let me ask this: Did you understand that</p> <p>5 question?</p> <p>6 A. I think so.</p> <p>7 Q. What do you think you understand it to mean?</p> <p>8 A. That -- let's see -- that -- okay -- well,</p> <p>9 that it would be me or my counsel would have had an</p> <p>10 objection dismissed, which, I assume, by the court,</p> <p>11 for any kind of material defect. I assume that means</p> <p>12 something wrong with a product, including but not</p> <p>13 limited to a lack of standing. I don't really --</p> <p>14 MS. HARRISON: Excuse me, Ms. Morales has no</p> <p>15 legal training. She's not in a position to interpret</p> <p>16 a request that is filled with legal phrasing. If you</p> <p>17 want to rephrase your question so she can understand</p> <p>18 it in normal language, that would be fine.</p> <p>19 MR. WALSH: I'm not asking for a legal</p> <p>20 analysis. I'll re-ask my question, though. I'll make</p> <p>21 it a little more clear.</p> <p>22 BY MR. WALSH:</p> <p>23 Q. Ms. Morales, I'm not asking for a legal</p> <p>24 opinion, but if you read this question, tell me what</p> <p>25 it means to you.</p>
Page 30	Page 32
<p>1 A. Way less.</p> <p>2 Q. "Way less"?</p> <p>3 A. Yeah.</p> <p>4 Q. We're going to skip 6, because it didn't</p> <p>5 apply. And I do want to go over 7 a little bit. Let</p> <p>6 me read No. 7 to you, of Exhibit 2 on page 10, and</p> <p>7 then let me know if I've read it correctly. "To the</p> <p>8 extent that they exist, please disclose the caption</p> <p>9 for any case(s) where you or your counsel have had an</p> <p>10 objection dismissed for any material defect, including</p> <p>11 but not limited to lack of standing. If that defect</p> <p>12 was anything other than lack of standing, describe the</p> <p>13 reason of the dismissal of you or your counsel's</p> <p>14 objection."</p> <p>15 Did I read that correctly?</p> <p>16 A. I think so. I was a little lost. Should we</p> <p>17 go over it again, perhaps?</p> <p>18 Q. Sure. We'll go over it again, just to make</p> <p>19 sure we have it. All right. Interrogatory No. 7, the</p> <p>20 last one on the page, "To the extent that they exist,</p> <p>21 please disclose the caption for any case(s) where you</p> <p>22 or your counsel have had an objection dismissed for</p> <p>23 any material defect, including but not limited to lack</p> <p>24 of standing. If the defect was anything other than</p> <p>25 lack of standing, describe the reason for the</p>	<p>1 A. If there was a defect in a product, other</p> <p>2 than a lack of standing -- essentially, it just means,</p> <p>3 to me, if there's some kind of product that had a</p> <p>4 defect and -- where I had counsel or I had</p> <p>5 objected -- and there wasn't. I don't have any</p> <p>6 relationship to that question, because.</p> <p>7 Q. All right. Thank you. If you want to, go</p> <p>8 ahead and -- one second here. If you want to, you can</p> <p>9 close both of those exhibits, and we'll place them</p> <p>10 over there in the exhibit pile.</p> <p>11 I'm asking, just because it looks like you</p> <p>12 might want to, do you want to take a break for any</p> <p>13 reason or are we good to keep going?</p> <p>14 A. We can keep going.</p> <p>15 Q. I was just double checking. It looked like</p> <p>16 you might need more drink or something.</p> <p>17 Now I want to talk generally about the</p> <p>18 Shop-Vac cases and see what you know. And, again,</p> <p>19 just like we were talking about earlier, I'm not</p> <p>20 looking for legal opinions. I'm just looking for what</p> <p>21 you know and what you understand on these.</p> <p>22 Do you know when the Shop-Vac cases were</p> <p>23 initially filed?</p> <p>24 A. No.</p> <p>25 Q. Do you have an approximate date for when they</p>

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9 (Pages 33 to 36)

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<p>1 were filed?</p> <p>2 A. No.</p> <p>3 Q. Do you know where these cases were filed?</p> <p>4 A. No.</p> <p>5 Q. It's okay. Sorry if the questions seem</p> <p>6 silly.</p> <p>7 Do you know what causes of actions were</p> <p>8 asserted in the lawsuits?</p> <p>9 A. No.</p> <p>10 Q. Do you have an opinion, one way or another,</p> <p>11 whether a class should have been certified in this</p> <p>12 case?</p> <p>13 MS. HARRISON: Objection. That calls for a</p> <p>14 legal comment.</p> <p>15 BY MR. WALSH:</p> <p>16 Q. Do you understand what a "class action" is?</p> <p>17 A. Yes.</p> <p>18 Q. And what's your understanding of what a</p> <p>19 "class action" is?</p> <p>20 A. It's when a large number of people are taking</p> <p>21 an action against another party or company. Does that</p> <p>22 make sense? Was that clear?</p> <p>23 Q. Yes, that's makes sense.</p> <p>24 And you understand that the Shop-Vac case was</p> <p>25 brought as a class action; correct?</p>	<p>1 up.</p> <p>2 Q. So you would use -- if I've got this wrong,</p> <p>3 just tell me. You would use horsepower to compare</p> <p>4 other similar vacuums to decide which one had more</p> <p>5 strength?</p> <p>6 A. Yes, I think so.</p> <p>7 Q. And I don't want you to be uncomfortable</p> <p>8 about that. I want to make sure we're talking about</p> <p>9 same thing. It looks like we are, but I want to make</p> <p>10 sure. Let's have a hypothetical, and let's say if you</p> <p>11 were look at three vacuums, and one said it was "1</p> <p>12 horsepower," and one said it was "2 horsepower," and</p> <p>13 one said it was "3 horsepower," based on what you</p> <p>14 said, I think that your understanding would be the 3</p> <p>15 horsepower should have more strength.</p> <p>16 A. I assume so.</p> <p>17 Q. That's what the whole case was about; right?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Is that a "yes"?</p> <p>20 A. You know, what my interpretation of the case</p> <p>21 was that the product was not efficient, or inadequate,</p> <p>22 or that it was marketed falsely.</p> <p>23 Q. When we say "capacity," here today, what do</p> <p>24 you understand "capacity" to mean in relation to</p> <p>25 Shop-Vac?</p>
Page 34	Page 36
<p>1 A. Yes.</p> <p>2 Q. And do you have an opinion, as just a</p> <p>3 layperson, just as Shirley Morales, do you have an</p> <p>4 opinion as to whether or not this should have been a</p> <p>5 class action?</p> <p>6 A. Yes.</p> <p>7 Q. "Yes," you do believe it should have been?</p> <p>8 A. As a layperson, yes.</p> <p>9 Q. Now, I'm just asking if you know what the</p> <p>10 word means. Do you know what it means to "certify" a</p> <p>11 class action?</p> <p>12 A. No.</p> <p>13 Q. And earlier I asked a little bit about</p> <p>14 whether you taught science, and you had an art class</p> <p>15 that overlapped into astronomy, but what I didn't ask</p> <p>16 is: Do you have any scientific background?</p> <p>17 A. No.</p> <p>18 Q. Do you understand what "horsepower" is a</p> <p>19 measurement of?</p> <p>20 A. Strength, is all that I would understand.</p> <p>21 Q. And when you say "strength," what do you use</p> <p>22 that strength for?</p> <p>23 A. Well, I imagine that it has to do with the</p> <p>24 engine or the power of the equipment and what it</p> <p>25 actually can do, as far as a vacuum, how much it picks</p>	<p>1 A. How much the tank holds.</p> <p>2 Q. How do you think that that would be measured?</p> <p>3 How do you think they would measure how much the tank</p> <p>4 holds?</p> <p>5 A. Well, since it was a five-gallon Shop-Vac, I</p> <p>6 would assume that it needed to hold five gallons.</p> <p>7 Q. As long as the tank held five gallons, then</p> <p>8 you would think that would be accurate?</p> <p>9 A. As long as the tank picked up five gallons</p> <p>10 before it cuts it out.</p> <p>11 Q. Those were different. I appreciate that. I</p> <p>12 think we talked about why horsepower mattered. I was</p> <p>13 going to ask you "why does horsepower matter," but I</p> <p>14 think you told me about the strength is why it matters</p> <p>15 to you.</p> <p>16 Is that fair?</p> <p>17 A. Yes.</p> <p>18 Q. Why does capacity matter?</p> <p>19 A. It matters, in my case, because I don't</p> <p>20 like -- when I vacuum out my hot tub, I don't like to</p> <p>21 have to bend down and pick it up several times. I</p> <p>22 want to know that it's going to fill all the way to</p> <p>23 the top.</p> <p>24 Q. Now I want to talk a little about, what do</p> <p>25 you know about Shop-Vac?</p>

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10 (Pages 37 to 40)

Page 37	Page 39
<p>1 Do you know how large a company Shop-Vac is?</p> <p>2 A. No.</p> <p>3 Q. Do you know how many people they employ?</p> <p>4 A. No.</p> <p>5 Q. Do you know what their annual net income is?</p> <p>6 A. No.</p> <p>7 Q. Do you know, besides vacuums, what other</p> <p>8 products they offer?</p> <p>9 A. No.</p> <p>10 Q. Do you know what their current financial</p> <p>11 status is?</p> <p>12 A. No.</p> <p>13 Q. When you were -- let me ask this: In regards</p> <p>14 to the Shop-Vac cases, are there any documents that</p> <p>15 you've reviewed besides the Notice?</p> <p>16 A. Besides the Notice?</p> <p>17 Q. Right. And let me do a better job on that</p> <p>18 question. I know I sent you discovery. I know I sent</p> <p>19 you a deposition notice, but I'm trying to talk about</p> <p>20 the timeframe between when you got notice and when an</p> <p>21 objection was filed in this case.</p> <p>22 Can we talk about that timeframe?</p> <p>23 A. Yes.</p> <p>24 Q. And my question is: What documents related</p> <p>25 to the Shop-Vac case did you review prior to filing</p>	<p>1 A. That's true. I don't recall.</p> <p>2 Q. And you can't recall whether you got it by</p> <p>3 e-mail?</p> <p>4 A. That's true, too.</p> <p>5 Q. And you think you may have just heard about</p> <p>6 it from someone or seen it online; correct?</p> <p>7 A. That's right.</p> <p>8 Q. Did you review any of the expert opinions</p> <p>9 that were filed in this matter?</p> <p>10 A. I don't recall everything that I read.</p> <p>11 Q. Do you recall anything that you read, besides</p> <p>12 the Notice?</p> <p>13 A. My short-term memory is not as good as I'd</p> <p>14 like it to be. I don't recall, exactly, what all I</p> <p>15 read.</p> <p>16 Q. And I understand your answers are your</p> <p>17 answers. I'm sorry, I just got to ask some questions</p> <p>18 to do my best to identify what you did read, so I</p> <p>19 apologize for that.</p> <p>20 A. Right.</p> <p>21 Q. Do you remember reading the application for</p> <p>22 final approval in this case?</p> <p>23 A. I'm not sure.</p> <p>24 Q. That's just fine. That is a perfectly fine</p> <p>25 answer. I just want to let you know, if you don't</p>
Page 38	Page 40
<p>1 the Objection?</p> <p>2 A. You know, I recall reading some things</p> <p>3 online, but I don't recall what they were named, and,</p> <p>4 you know, I can't tell you -- I can't answer that</p> <p>5 question 'yes' or "no" or with names.</p> <p>6 Q. That's not a problem. Let me ask this: You</p> <p>7 said you remember reading things online, was that in</p> <p>8 relation to the settlement website?</p> <p>9 A. I'm not sure.</p> <p>10 Q. How did you get notice of this case?</p> <p>11 A. You know, I think I heard about it from,</p> <p>12 possibly, the guys who were working for me, but I</p> <p>13 could have just seen it online. I don't know</p> <p>14 if -- I'm not sure.</p> <p>15 Q. So you didn't get a copy of the notice by</p> <p>16 e-mail or mail, then?</p> <p>17 A. I don't recall.</p> <p>18 Q. Do you regularly check your e-mail?</p> <p>19 A. My e-mail, yes, I do.</p> <p>20 Q. Do you ever receive class action notices by</p> <p>21 e-mail?</p> <p>22 A. I'm not sure. I get a lot of e-mail.</p> <p>23 Q. I understand. But here, you can't remember</p> <p>24 whether or not you received it in the mail.</p> <p>25 Is that a fair statement?</p>	<p>1 know, "I don't know" is fine. It's always fine.</p> <p>2 Don't worry about it. I ask the questions, you answer</p> <p>3 the questions with the truth, and we just move</p> <p>4 forward.</p> <p>5 How much -- do you have any idea how much the</p> <p>6 capacity of these is overstated?</p> <p>7 A. No.</p> <p>8 Q. And do you have any idea how much the</p> <p>9 horsepower of the vacuum is overstated?</p> <p>10 A. No.</p> <p>11 Q. Do you have any idea how a motor's life is</p> <p>12 affected by horsepower?</p> <p>13 A. No.</p> <p>14 Q. Besides the Shop-Vac case that you objected</p> <p>15 to, are you aware of any other Shop-Vac class actions</p> <p>16 that have been filed?</p> <p>17 A. No.</p> <p>18 Q. Are you aware of a class action in New Jersey</p> <p>19 that involves Shop-Vac vacuum cleaners?</p> <p>20 A. That's different than this one?</p> <p>21 Q. That's different than -- let me -- I'm not</p> <p>22 here to answer questions, but let me rephrase that,</p> <p>23 since you asked that way.</p> <p>24 Do you understand what an "MDL" is -- if I</p> <p>25 say "MDL"?</p>

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11 (Pages 41 to 44)

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<p>1 A. No.</p> <p>2 Q. This case is an MDL case. That means</p> <p>3 multi-district litigation. This case that you filed</p> <p>4 the Objection in is in the Middle District of</p> <p>5 Pennsylvania.</p> <p>6 So my question is: Besides the cases in the</p> <p>7 Middle District of Pennsylvania, were you aware of any</p> <p>8 other Shop-Vac class actions?</p> <p>9 A. Not to my conscious knowledge. If I read</p> <p>10 about something online, I wouldn't have differentiated</p> <p>11 it.</p> <p>12 Q. Thank you.</p> <p>13 MR. WALSH: Now, can I have 1 this marked as</p> <p>14 Exhibit 5, please.</p> <p>15 Mardi, I'm having the actual Objection marked</p> <p>16 as Exhibit 5.</p> <p>17 (Plaintiff's Exhibit 5 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. WALSH:</p> <p>20 Q. Let's talk about the Objection that you filed</p> <p>21 in this case.</p> <p>22 Why are you objecting to the settlement?</p> <p>23 A. Because it doesn't seem fair.</p> <p>24 Q. What doesn't seem fair about the settlement?</p> <p>25 A. You know, it's just something about it just</p>	<p>1 you've called it.</p> <p>2 A. That's right.</p> <p>3 Q. So my question is: With your Objection to</p> <p>4 what they offered, what are you hoping to achieve by</p> <p>5 objecting?</p> <p>6 A. They should offer more.</p> <p>7 Q. And what more should they offer?</p> <p>8 A. I can't say. They should somehow be</p> <p>9 responsible for having lied to the consumer and</p> <p>10 offered a product that wasn't very good.</p> <p>11 Q. Is there anything specific you can think of</p> <p>12 that Shop-Vac should do in settlement, beyond what</p> <p>13 they have offered to do?</p> <p>14 A. No.</p> <p>15 Q. Do you have any ultimate goal that you hope</p> <p>16 to accomplish for the class as a whole?</p> <p>17 A. I haven't thought of that, no.</p> <p>18 Q. Is there any specific benefit that you want</p> <p>19 for the class as a whole?</p> <p>20 A. It would be nice if it was somehow made fair.</p> <p>21 I don't know how to do that.</p> <p>22 Q. Now, I'm going to move from benefits to the</p> <p>23 class, and I'm going to ask: Is there a benefit that</p> <p>24 you want for yourself?</p> <p>25 A. I think the biggest benefit that I would like</p>
Page 42	Page 44
<p>1 doesn't strike me as being fair.</p> <p>2 Q. Could you be a little more specific? What</p> <p>3 part about it does not seem fair?</p> <p>4 A. Well, if a consumer buys a product that</p> <p>5 hasn't been honestly -- marketed honestly, that</p> <p>6 doesn't seem fair. And, also, you know, I could</p> <p>7 clearly say that this product is not -- it's not an</p> <p>8 efficient product.</p> <p>9 Q. What goals do you hope to achieve with your</p> <p>10 Objection?</p> <p>11 A. Well, I think it's a good idea for consumers</p> <p>12 to speak up when they don't think something is fair.</p> <p>13 Q. And when you were talking about things you</p> <p>14 don't think are fair, it was that the vacuum hasn't</p> <p>15 been marketed properly. That was one thing; right?</p> <p>16 A. Right.</p> <p>17 Q. But your Objection was to the settlement in</p> <p>18 the case, not to the product; is that correct?</p> <p>19 A. That's a little confusing for me.</p> <p>20 Q. Sure.</p> <p>21 A. Oh, I see, the settlement, what they offered.</p> <p>22 Okay. Is that what you mean?</p> <p>23 Q. Yes, that's what I mean.</p> <p>24 A. Right.</p> <p>25 Q. Your Objection was to what they offered, as</p>	<p>1 is, I would like marketing practices to be honest and</p> <p>2 fair.</p> <p>3 Q. And how could Shop-Vac make their marketing</p> <p>4 practices more honest and fair?</p> <p>5 A. I don't have a solution, other than to</p> <p>6 produce an excellent product and have it be accurately</p> <p>7 marketed.</p> <p>8 Q. Is there some amount of money that you are</p> <p>9 seeking to withdraw your Objection?</p> <p>10 A. No.</p> <p>11 Q. Besides what we've discussed, are there any</p> <p>12 other main objections to the settlement that you</p> <p>13 can -- that you could articulate, as you sit here</p> <p>14 today?</p> <p>15 A. I'm not sure.</p> <p>16 Q. I'm going to hand you what has been marked as</p> <p>17 a Exhibit 5.</p> <p>18 And have you seen this document before?</p> <p>19 A. Yes.</p> <p>20 MS. HARRISON: Could you just review for me</p> <p>21 what Exhibit 5 is?</p> <p>22 MR. WALSH: Yes. Exhibit 5 is the Objection.</p> <p>23 It's Document 196 in the MDL.</p> <p>24 BY MR. WALSH:</p> <p>25 Q. Ms. Morales, if you would please turn to</p>

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12 (Pages 45 to 48)

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<p>1 page 3.</p> <p>2 That's your signature there on page 3;</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. This is the Objection you filed this case?</p> <p>6 A. That's right.</p> <p>7 Q. Did you write this Objection yourself?</p> <p>8 A. No.</p> <p>9 Q. Now, I have to be careful about asking this</p> <p>10 the right way. Were you -- who were you assisted by</p> <p>11 in writing this objection?</p> <p>12 A. I'm not sure. I just gave basic information</p> <p>13 and I spoke with Mardi.</p> <p>14 Q. I'm stopping you there, because I don't want</p> <p>15 to get into anything that might be attorney-client</p> <p>16 privilege.</p> <p>17 A. Okay. All right.</p> <p>18 Q. I just want to stop there for a minute.</p> <p>19 So this document was made after you had</p> <p>20 retained Ms. Harrison?</p> <p>21 A. I believe so, yes.</p> <p>22 Q. So if I was to go through the paragraphs that</p> <p>23 were in here and talk to you about the legal</p> <p>24 information that was in here, would you have anything</p> <p>25 more to say about your objection than what we've</p>	<p>1 unreasonable and inadequate when considered from the</p> <p>2 perspective of the Class as a whole."</p> <p>3 Did I read that correctly?</p> <p>4 A. Yes.</p> <p>5 Q. And what did you mean by that objection?</p> <p>6 A. Well, that the relief is unreasonable and</p> <p>7 inadequate. That's all that I meant.</p> <p>8 Q. And here it says -- do you see where the</p> <p>9 sentence begins, "The notice provides" -- do you see</p> <p>10 that section?</p> <p>11 A. No.</p> <p>12 Q. Well, it's actually within the same</p> <p>13 paragraph. It should be --</p> <p>14 A. Yes.</p> <p>15 Q. -- the third sentence starts --</p> <p>16 A. "The notice provides."</p> <p>17 Q. And then it says, quote, in actual use,</p> <p>18 Shop-Vac motors do not operate at the peak horsepower</p> <p>19 shown."</p> <p>20 Did I read that correctly?</p> <p>21 A. Yes.</p> <p>22 Q. And do you believe that that injunctive</p> <p>23 relief, as it's called in the first of the paragraph,</p> <p>24 is unreasonable and inadequate?</p> <p>25 A. What does --</p>
Page 46	Page 48
<p>1 already discussed?</p> <p>2 A. Could you say that again?</p> <p>3 Q. Sure. And what my question is: Earlier,</p> <p>4 your counsel raised an objection about us talking</p> <p>5 legalese, and there's a whole bunch of legal theories,</p> <p>6 legal words, all in here. And my question -- we</p> <p>7 talked about what your objections were, just a moment</p> <p>8 ago, generally. And my question is: If we were to go</p> <p>9 through here, and, for example, discuss, here in the</p> <p>10 second paragraph it says, "The Injunctive Relief is</p> <p>11 unreasonable and inadequate when considered from the</p> <p>12 perspective of the Class as a whole." If we were to</p> <p>13 go through and discuss all of this, my question is:</p> <p>14 Would you have more information about your Objection</p> <p>15 beyond what we previously discussed when we were</p> <p>16 talking about it without looking at this document?</p> <p>17 Let me do a better job of asking.</p> <p>18 A. Okay.</p> <p>19 Q. We talked about your Objection --</p> <p>20 A. Uh-huh.</p> <p>21 Q. -- a minute ago, and what you were objecting</p> <p>22 for -- you know what, we'll just do it this way. It</p> <p>23 will probably be better.</p> <p>24 If you would look at the second full</p> <p>25 paragraph, it says, "The Injunctive Relief is</p>	<p>1 MS. HARRISON: You are using legal</p> <p>2 terminology that Ms. Morales may or may not be</p> <p>3 familiar with. She already told you she had</p> <p>4 assistance of counsel in drafting this.</p> <p>5 THE WITNESS: Injunctive relief.</p> <p>6 BY MR. WALSH:</p> <p>7 Q. Let's do this, go to page 3.</p> <p>8 A. Yes.</p> <p>9 Q. And that's your signature on page 3; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And if you look on this document - just look</p> <p>12 through the document, the whole document, and if you</p> <p>13 would, let me know where, if anywhere, that your</p> <p>14 counsel is disclosed in this document.</p> <p>15 A. I don't see anywhere.</p> <p>16 Q. Take your time and look through.</p> <p>17 A. So I'm just looking for the name of my</p> <p>18 counsel; is that right?</p> <p>19 Q. That's correct.</p> <p>20 A. I don't see a name.</p> <p>21 Q. Thank you. So let's take a step back, then.</p> <p>22 Let's close this document, but keep it in front of</p> <p>23 you.</p> <p>24 A. Okay.</p> <p>25 Q. And first, we were talking about your</p>

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13 (Pages 49 to 52)

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<p>1 Objection. Now I want to see if I have something else</p> <p>2 I understand.</p> <p>3 What do you believe to be the benefits</p> <p>4 offered to the class members in the settlement by</p> <p>5 Shop-Vac?</p> <p>6 A. Well, that the warranty would be extended,</p> <p>7 and that they would change -- I believe on their</p> <p>8 website, they would change their marketing language to</p> <p>9 accurately reflect.</p> <p>10 Q. Do you know if they were supposed to place</p> <p>11 that disclosure anywhere else?</p> <p>12 A. I don't recall.</p> <p>13 Q. And where would you like them to place that</p> <p>14 disclaimer, if you have an opinion?</p> <p>15 A. Well, I think it's -- I don't know.</p> <p>16 Q. Would it be helpful if it was on the box?</p> <p>17 A. If it was accurately marketed from the</p> <p>18 beginning. You can't go back.</p> <p>19 Q. But, now, if we're looking forward, and now</p> <p>20 they put this disclaimer on the box, would that be</p> <p>21 good?</p> <p>22 A. You know, I can't answer that question.</p> <p>23 Q. I'm just asking your opinion --</p> <p>24 A. I don't know.</p> <p>25 Q. -- since this is your Objection.</p>	<p>1 Q. That's okay. This document says</p> <p>2 that -- okay.</p> <p>3 You had assistance in writing this document;</p> <p>4 correct?</p> <p>5 A. Uh-huh.</p> <p>6 Q. And it complains about the injunctive relief</p> <p>7 being unreasonable and inadequate; correct?</p> <p>8 A. Uh-huh.</p> <p>9 Q. And you are saying "yes"?</p> <p>10 A. Well, I'm --</p> <p>11 Q. No, no. I'm saying, when you say "uh-huh,"</p> <p>12 you are saying --</p> <p>13 A. I'm saying, "yes," I'm reading it.</p> <p>14 Q. Perfect. And then there's a -- it says, "The</p> <p>15 notice provides, 'In actual use, Shop-Vac motors do</p> <p>16 not operate at the peak horsepower shown.'"</p> <p>17 I read that correctly; right?</p> <p>18 A. I'm sorry, I'm not -- did you skip something?</p> <p>19 I'm not seeing --</p> <p>20 Q. You know what, I will read the whole</p> <p>21 paragraph, if it helps.</p> <p>22 A. I mean, we could highlight the parts, if you</p> <p>23 are going to skip them.</p> <p>24 Q. I'm not trying to skip them. I'm trying to</p> <p>25 understand your Objection, because your name is the</p>
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<p>1 A. I don't know. I mean, I don't -- go ahead.</p> <p>2 I don't know.</p> <p>3 Q. No problem. Let me ask you a different</p> <p>4 hypothetical. Here, in your Objection, in Document 5,</p> <p>5 the complaint is, In actual use, Shop-Vac motors do</p> <p>6 not operate at the peak horsepower shown, is</p> <p>7 unreasonable and inadequate.</p> <p>8 Did I paraphrase that first little paragraph?</p> <p>9 A. Can you show me where that is?</p> <p>10 MR. WALSH: Mardi, I'm pointing to the first</p> <p>11 of paragraph 1.</p> <p>12 BY MR. WALSH:</p> <p>13 Q. Here's where it says, "The Injunctive Relief</p> <p>14 is unreasonable and inadequate," and then it's talking</p> <p>15 about the injunctive relief, here in quotes, the</p> <p>16 portion in quotations.</p> <p>17 A. And your question is: Do I see this?</p> <p>18 Q. Yes. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. If you have an opinion, is it fair to</p> <p>21 characterize this objection as being -- the injunctive</p> <p>22 relief is unreasonable and inadequate because this</p> <p>23 statement that they have to provide is unreasonable</p> <p>24 and inadequate?</p> <p>25 A. I'm sorry, I'm not following you.</p>	<p>1 only name on the Objection, and it was shown as your</p> <p>2 Objection, so I'm here asking you questions, and I'm</p> <p>3 doing my best to understand what you understand. So</p> <p>4 sorry for the confusion.</p> <p>5 Let's just do this: What do you understand</p> <p>6 "injunctive relief" to be?</p> <p>7 A. Well, I can only assume that what it means is</p> <p>8 that -- I'm not sure what you mean by</p> <p>9 "injunctive" -- or what's meant by "injunctive," but</p> <p>10 I'm assuming that this means that what is being</p> <p>11 offered as a settlement is not fair. That's</p> <p>12 what -- and it's unreasonable and inadequate. That's</p> <p>13 what I assume it means. What's being offered to the</p> <p>14 class as a whole is not fair.</p> <p>15 Q. And what is your understanding as to what is</p> <p>16 being offered to the class as a whole?</p> <p>17 A. I'm sorry. Let's see, you know, I know some</p> <p>18 of it. I memorized some of it. My</p> <p>19 understanding -- isn't it written down in here? My</p> <p>20 understanding is, basically -- and my short-term</p> <p>21 memory is not good, but something about it just didn't</p> <p>22 seem right when I heard about it. And that you are</p> <p>23 being offered kind of like a retroactive fix-it that</p> <p>24 doesn't really give you a better product or a better</p> <p>25 experience. And what else? It's ineffective. It's</p>

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14 (Pages 53 to 56)

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<p>1 inadequate.</p> <p>2 Q. What's ineffective and inadequate?</p> <p>3 A. What they are offering.</p> <p>4 Q. In here, you would agree with me the quotes</p> <p>5 say, in paragraph 1 of Exhibit 5 on page 1, "In actual</p> <p>6 use, Shop-Vac motors do not operate at the peak</p> <p>7 horsepower shown." It says that, right?</p> <p>8 A. "In actual use, Shop-Vac motors do not</p> <p>9 operate at the peak horsepower shown."</p> <p>10 Q. It says that, correct?</p> <p>11 A. Yes, it says that.</p> <p>12 Q. And so wherever that appears, you</p> <p>13 don't -- I'm asking -- you don't feel that's a good</p> <p>14 enough disclosure being made by Shop-Vac to let people</p> <p>15 know how these vacuums operate?</p> <p>16 A. No.</p> <p>17 Q. Let's do a hypothetical. What if it instead</p> <p>18 said, "Peak horsepower, PHP, is a term used in the</p> <p>19 wet/dry vacuum industry for consumer comparison</p> <p>20 purposes. It does not denote the operational</p> <p>21 horsepower of a wet/dry vacuum, but rather the</p> <p>22 horsepower output of a motor, including the motors</p> <p>23 inertial contribution achieved in laboratory testing.</p> <p>24 In actual use, Shop-Vac motors do not operate at the</p> <p>25 peak horsepower shown."</p>	<p>1 for what they did wrong.</p> <p>2 Q. What does the term "settlement release" mean</p> <p>3 to you, if anything?</p> <p>4 A. "Settlement release," where is that?</p> <p>5 Q. Page 2, first full paragraph.</p> <p>6 A. Releasing the settlement, ending it, letting</p> <p>7 it go.</p> <p>8 Q. What does the term "CAFA" mean? Last full</p> <p>9 paragraph on page 2.</p> <p>10 A. Well, I would only be assuming if I told you</p> <p>11 what I thought it meant. That's what I'm doing. I'm</p> <p>12 just making assumptions.</p> <p>13 Q. So you are just -- so that's what I'm asking</p> <p>14 you to do, again, now -- is to make an assumption.</p> <p>15 And the assumption is this "peak horsepower" term goes</p> <p>16 on a box from now on -- a Shop-Vac box. And if you</p> <p>17 saw that peak horsepower term defined as we just</p> <p>18 discussed -- and I can re-list it, if you need me to</p> <p>19 -- would that help you in making a decision as to what</p> <p>20 Shop-Vac product or other product you would purchase</p> <p>21 when seeking a wet/dry vacuum?</p> <p>22 A. This experience causes me to have more</p> <p>23 questions, and so I would like to -- you know, it</p> <p>24 would make me think that I need to know more before I</p> <p>25 make purchases. Whether it would help me or not, I</p>
Page 54	Page 56
<p>1 Would that be a better disclosure?</p> <p>2 A. You know, I don't think I'm in a position to</p> <p>3 say "yes" or "no" to that.</p> <p>4 Q. But if something like that appeared on the</p> <p>5 box, would it help you when you are purchasing a</p> <p>6 Shop-Vac to determine the strength, as you put it</p> <p>7 earlier?</p> <p>8 MS. HARRISON: Are you asking her to comment</p> <p>9 on a hypothetical?</p> <p>10 MR. WALSH: I am.</p> <p>11 MS. HARRISON: This is supposed to be about</p> <p>12 the facts she knows concerning this case.</p> <p>13 MR. WALSH: I've been trying to ask about</p> <p>14 those, but since she didn't write the Objection, it's</p> <p>15 been awfully hard. So I'm stuck with the</p> <p>16 hypothetical.</p> <p>17 MS. HARRISON: She didn't say she didn't</p> <p>18 write the Objection.</p> <p>19 BY MR. WALSH:</p> <p>20 Q. Ms. Morales, did you write this Objection?</p> <p>21 A. I had help writing it.</p> <p>22 Q. And what's your definition of "injunctive</p> <p>23 relief"?</p> <p>24 A. I assume that what it means is that it's what</p> <p>25 is being offered by the company as, you know, a fix-it</p>	<p>1 probably would need even more information.</p> <p>2 Q. And what information would you need to know,</p> <p>3 moving forward, in making purchases like this? You</p> <p>4 mentioned you thought you could use more.</p> <p>5 A. I think I would just need to do some research</p> <p>6 and try to understand the product better. You know, I</p> <p>7 made this based on what was written on the box, and my</p> <p>8 old -- my experience with the one that had quit</p> <p>9 working. It doesn't measure up to the old one and</p> <p>10 what it does.</p> <p>11 Q. So has this vacuum quit working now?</p> <p>12 A. No, it hasn't quit working.</p> <p>13 Q. It was the old one that quit working?</p> <p>14 A. The old one, it's just the switch. It still</p> <p>15 works, it's just that sometimes it doesn't. It's not</p> <p>16 something I can rely on, because the switch is broken.</p> <p>17 My partner said he would fix that, someday.</p> <p>18 Q. We're all good at over promising these</p> <p>19 mechanical things. I understand. All right. Let's</p> <p>20 move on to the second paragraph here on page 1 of</p> <p>21 Exhibit 5.</p> <p>22 A. Okay.</p> <p>23 Q. And that is where it says, "The Warranty</p> <p>24 Relief also is unreasonable and inadequate."</p> <p>25 Did I read that correctly?</p>

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15 (Pages 57 to 60)

Page 57	Page 59
<p>1 A. Yes. Oh, "warranty" -- you are talking about 2 third paragraph. 3 Q. Yes. You are right. Thank you for that. 4 I'm sorry. 5 A. Okay. "The Warranty Relief" -- go ahead. 6 Q. "Also is unreasonable and inadequate." 7 A. Yes. 8 Q. And what was your basis for that objection? 9 A. Well, they are going to extend the warranty 10 by two years on the motor. I mean, there's more to it 11 than that, and I don't understand, completely. What I 12 do understand is that it's -- why extend a warranty on 13 a product that really is not an efficient product? I 14 mean, that doesn't seem like it's a good response. 15 Q. Any other reasons you can think of that that 16 relief is inadequate? 17 A. Probably. 18 Q. Now is your chance to tell me, what are 19 those? 20 A. I think anything stated in here. I've signed 21 my name to it. 22 Q. So you would just rely on anything stated -- 23 A. I would rely on anything stated, and also my 24 experience with it. I could walk over and show you. 25 You wouldn't like it, either, if you had that product.</p>	<p>1 Q. And you just pointed at the older Shop-Vac? 2 A. That's right. 3 Q. And the older Shop-Vac claimed to be a 1.5 4 horsepower unit; is that correct? 5 A. That's right. 6 Q. And your feeling is that the newer Shop-Vac 7 that claimed to be a 2 horsepower was less powerful 8 than the 1.5? 9 A. Yes. 10 Q. What about the new Stanley product that 11 claims to be 2 horsepower, how did it compare to your 12 older Shop-Vac? 13 A. Well, I don't have any complaints about the 14 new one. 15 Q. Does the old Shop-Vac still work? 16 A. Like I said, the switch is broken on it. So 17 sometimes it will come on and sometimes it won't. 18 Q. And you've said a few times today that you 19 don't feel this new Shop-Vac, the middle unit, the one 20 that you assert that gives you standing to object to 21 the lawsuit, you assert it is not an efficient 22 product. 23 What do you mean by "not an efficient 24 product"? 25 A. It's not -- it just not as strong. The top</p>
Page 58	Page 60
<p>1 Q. I've got one, but you know what, instead of 2 walking over there and you showing me, I'm going to go 3 get it and bring it over here. 4 A. Well, there are more things than even what is 5 on here, but it probably is irrelevant, because it's 6 not on here. 7 Q. Now is your day to tell me about those 8 things. I would like to know what the other things 9 are that bother you about the product. 10 A. I can't remember everything, because like I 11 said, I stopped using it, and then I let the guys who 12 are working at my house use it fairly recently. One 13 thing is if you go to pick it up, the latch -- and 14 this is from the very beginning -- it just it doesn't 15 work. 16 Q. Right. When you go to pick it up, the top 17 will separate from the bottom. 18 A. Uh-huh. 19 Q. Is that a "yes"? 20 A. Yes. 21 Q. Sorry, it's so easy for us to say. 22 Besides the latches being ineffective on it, 23 any other complaints? 24 A. It's not nearly as powerful as the other one 25 I have. This one (indicating).</p>	<p>1 never stayed on. If I go to pick it up, it flies off, 2 and whatever is inside, you know -- 3 Q. And one of your main uses was to vacuum out 4 your hot tub. 5 A. That's correct. And it's tippy. It tips 6 over very easily. It comes apart really easily -- the 7 hose does. It's not as strong as the other one, and, 8 also, it doesn't fill up all the way. So you have to 9 keep emptying it out. 10 Q. Right. Now I know you are going to rely on 11 the items that were listed in this objection -- and 12 I'm referring to Exhibit 5 -- I'm not going to keep 13 asking you a whole lot of questions about it, but I do 14 want to ask you, on page 2, second full paragraph, 15 third paragraph in here, it says, "The requested 16 attorney fees are not fair to the Class." 17 Did I read that section correctly? 18 A. Yes. 19 Q. And then it says in here -- 20 MS. HARRISON: Excuse me, you must have moved 21 away from the phone, because your voice is getting 22 much softer. 23 MR. WALSH: Actually, I lowered my head to 24 read this a little closer. I will pick this up and 25 make sure I do a better job here.</p>

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16 (Pages 61 to 64)

Page 61	Page 63
<p>1 MS. HARRISON: Thank you. I appreciate it.</p> <p>2 MR. WALSH: No problem.</p> <p>3 BY MR. WALSH:</p> <p>4 Q. Do you see -- not the next sentence, but the</p> <p>5 following one, "The Parties have not provided any</p> <p>6 indication as to the value of the Injunctive Relief or</p> <p>7 the number and value of warranties that will be called</p> <p>8 by Class Members."</p> <p>9 Did I read that correctly?</p> <p>10 A. Could you read it again, please.</p> <p>11 Q. Sure. "The parties have not provided any</p> <p>12 indication as to the value of the Injunctive Relief or</p> <p>13 the number and value of warranties that will be called</p> <p>14 by Class Members."</p> <p>15 A. Yes.</p> <p>16 Q. "Yes," I read it correctly?</p> <p>17 A. Yes, you read it correctly.</p> <p>18 Q. And do you have an opinion as to the value of</p> <p>19 the warranties offered in this settlement?</p> <p>20 A. No, I don't have an opinion.</p> <p>21 Q. Do you know anything about the monetary value</p> <p>22 of the warranties that are offered in this case?</p> <p>23 A. I may have read it, but if I did, I don't</p> <p>24 recall the numbers.</p> <p>25 Q. Let me ask this: It is your contention that</p>	<p>1 Q. Correct. So if go to Lowe's -- I'll give you</p> <p>2 a hypothetical. If you go to Lowe's and you purchase</p> <p>3 a Shop-Vac, they'll say, "Ms. Morales, would you also</p> <p>4 like to purchase an extended warranty? After the</p> <p>5 original warranty expires, we'll extend it by two</p> <p>6 years."</p> <p>7 A. Okay.</p> <p>8 Q. Were you aware that they offered those?</p> <p>9 A. Not on Shop-Vac.</p> <p>10 Q. "No," you weren't aware they offered those on</p> <p>11 Shop-Vacs?</p> <p>12 A. That's correct.</p> <p>13 Q. Sorry. Sometimes I ask a question and the</p> <p>14 answer gets convoluted because of it. Thank you.</p> <p>15 Do you know what Lowe's charges for those</p> <p>16 types of extended warranties on Shop-Vac products?</p> <p>17 A. No.</p> <p>18 Q. Do you know what Lowe's charges for those</p> <p>19 types of warranties on other products?</p> <p>20 A. I've been offered warranties at Lowe's on</p> <p>21 other -- extended warranties. I don't recall right</p> <p>22 now. We're talking about a lot of different products.</p> <p>23 Q. I understand. Thank you. Now let's move to</p> <p>24 the last full paragraph on this page. That paragraph</p> <p>25 says, "The Warranty Relief is nothing more than a</p>
Page 62	Page 64
<p>1 the requested attorney fees are not fair to the class</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know how much the attorney fees are in</p> <p>5 this case?</p> <p>6 A. I think I read them, but I just don't recall.</p> <p>7 Q. Would your opinion change if you knew the</p> <p>8 value of the warranty was more than \$170 million?</p> <p>9 A. No.</p> <p>10 Q. Did you know that the defendant, Lowe's,</p> <p>11 sells -- did you know that Lowe's was also a defendant</p> <p>12 in this lawsuit?</p> <p>13 A. Yes.</p> <p>14 Q. And did you know that they sell these types</p> <p>15 of warranties?</p> <p>16 A. That they sell the warranties?</p> <p>17 Q. Correct.</p> <p>18 A. I hadn't thought of that.</p> <p>19 Q. Just to be clear, I'm not talking about the</p> <p>20 warranty that was offered here. I'm just saying that</p> <p>21 Lowe's sells similar warranty products as what was</p> <p>22 offered.</p> <p>23 Were you aware of that?</p> <p>24 A. "Similar warranty products," you mean</p> <p>25 extending the warranty of the Shop-Vac?</p>	<p>1 coupon and CAFA should apply to Plaintiff's fee</p> <p>2 request."</p> <p>3 Did I read that correctly?</p> <p>4 A. Yes, you did.</p> <p>5 Q. Do you have an opinion as to what that</p> <p>6 sentence means?</p> <p>7 A. Well, I assume that CAFA means it's -- it's</p> <p>8 some kind of standard enforced by some kind of an</p> <p>9 association. That's my assumption of that. A coupon,</p> <p>10 I mean, that it's not very valuable, that the Warranty</p> <p>11 Relief, I mean, it seems really ineffective to me.</p> <p>12 Q. Why does it seem ineffective to you?</p> <p>13 A. I'm not a legal person. I don't understand</p> <p>14 these things, very well. But a warranty to make sure</p> <p>15 that the product lasts longer? Two years, isn't it?</p> <p>16 Extending the warranty by two years.</p> <p>17 Q. Correct.</p> <p>18 A. It doesn't -- I think -- how do you want me</p> <p>19 to --</p> <p>20 Q. Your answer is fine. Your answer is your</p> <p>21 answer. I'm not going to tell you how to answer, but</p> <p>22 I am going to ask, what does the word "coupon," in</p> <p>23 this context, mean to you, if anything?</p> <p>24 A. That it's not adequate.</p> <p>25 Q. Let me ask this: That warranty, accepting</p>

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17 (Pages 65 to 68)

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<p>1 that extra two-year warranty, does that require to you</p> <p>2 purchase anything else from Shop-Vac?</p> <p>3 A. No.</p> <p>4 MR. WALSH: Now, you haven't requested one,</p> <p>5 but I'm going request a break now.</p> <p>6 (Recess.)</p> <p>7 MR. WALSH: Mardi, I just sent you an e-mail,</p> <p>8 since she was discussing she thought there was a Chase</p> <p>9 objection before. I've got a copy of the Chase</p> <p>10 objection that was filed, and I've got a few questions</p> <p>11 about that.</p> <p>12 (Plaintiff's Exhibit 6 was marked for</p> <p>13 identification.)</p> <p>14 BY MR. WALSH:</p> <p>15 Q. You've just been handed a copy of Exhibit 6.</p> <p>16 You probably haven't seen this first page before, but</p> <p>17 let me ask you about it. Go back --</p> <p>18 A. Oh, you wanted me to look at the first page?</p> <p>19 Q. Yes. Up there, do you see where it says,</p> <p>20 "T. Michael Kennedy, LLC"?</p> <p>21 A. Yes.</p> <p>22 Q. Do you see that?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Do you know who T. Michael Kennedy was?</p> <p>25 A. I think he was the attorney, wasn't he, on</p>	<p>1 Fair?</p> <p>2 A. Yes.</p> <p>3 Q. I understand that. I'm not trying to beat</p> <p>4 you up here. I'm trying to get to know what is going</p> <p>5 on. So I have more questions. All right.</p> <p>6 So when I asked earlier about other</p> <p>7 objections and you said there might be a Chase Bank</p> <p>8 one that you left out before, is this it?</p> <p>9 A. Yes.</p> <p>10 Q. And do you recall, now that you've had a</p> <p>11 chance to look at this, when you objected to the Chase</p> <p>12 Bank case?</p> <p>13 A. No. I recall it was around -- my father was</p> <p>14 having surgery, so that's what I can relay. Maybe</p> <p>15 early spring, late winter. I'm not sure.</p> <p>16 Q. Go to the first page one more time, and if</p> <p>17 you look at the date stamp on here, does that help you</p> <p>18 recall when this might have been?</p> <p>19 A. Yes.</p> <p>20 Q. And that date stamp says "March 28th, 2016,"</p> <p>21 does that seem about the right time?</p> <p>22 A. It does.</p> <p>23 Q. So sometime in the spring of this year, there</p> <p>24 was another objection in the Chase case; correct?</p> <p>25 A. That's right.</p>
Page 66	Page 68
<p>1 the Chase case.</p> <p>2 Q. I'm asking you what you recall.</p> <p>3 A. I'm pretty sure.</p> <p>4 Q. We'll get more help on the next page, I</p> <p>5 think. Let's go to page 2 -- or page 1. It's</p> <p>6 actually numbered "1."</p> <p>7 A. Okay.</p> <p>8 Q. And if you would, look with me at the one,</p> <p>9 two, third full paragraph that starts, "My name is</p> <p>10 Shirley Morales."</p> <p>11 A. Where is this? Okay. Here.</p> <p>12 Q. Go ahead and read that, where it says, "My</p> <p>13 name is Shirley Morales."</p> <p>14 A. "My name is Shirley" --</p> <p>15 Q. You don't need to read it out loud. Go ahead</p> <p>16 and read it to yourself, until you get to the part</p> <p>17 that says "T. Michael Kennedy," and let me know when</p> <p>18 you are done.</p> <p>19 A. Okay. Yes, I'm done.</p> <p>20 Q. Okay. Thank you. Now, Ms. Morales, while</p> <p>21 I'm asking you these next questions, I know you are</p> <p>22 not an attorney, I understand, and we've gone over</p> <p>23 several different legal terms, and you generally have</p> <p>24 an idea about them, but don't necessarily know what</p> <p>25 these legal words mean.</p>	<p>1 Q. What happened with that objection, if you</p> <p>2 recall?</p> <p>3 A. I just recall that it -- something about it</p> <p>4 didn't work out. Maybe I wasn't a part -- I think I</p> <p>5 didn't qualify. You know, I have several Chase</p> <p>6 accounts, so I thought I did, but I didn't.</p> <p>7 Q. So whenever I said "lack of standing," that</p> <p>8 term doesn't really mean anything to you?</p> <p>9 A. No.</p> <p>10 Q. So if this was dismissed for lack of</p> <p>11 standing, you wouldn't understand that, because you</p> <p>12 are not an attorney.</p> <p>13 Fair?</p> <p>14 A. That's right.</p> <p>15 Q. And do you remember what the Chase Bank</p> <p>16 settlement was about?</p> <p>17 A. You know, I don't remember, exactly, what it</p> <p>18 was about.</p> <p>19 Q. And do you remember why you objected to it?</p> <p>20 A. You know, when I read these things, sometimes</p> <p>21 I just think the companies are taking advantage of the</p> <p>22 clients, and so I'll object.</p> <p>23 Q. And T. Michael Kennedy --</p> <p>24 A. Not "clients" --</p> <p>25 Q. You meant "companies."</p>

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18 (Pages 69 to 72)

Page 69	Page 71
<p>1 A. Companies taking advantage of the consumer.</p> <p>2 Q. Let me take a broad step back. Why do you</p> <p>3 think these class actions are filed against the</p> <p>4 companies to begin with?</p> <p>5 A. Because someone noticed that they had done</p> <p>6 something not really very honest, and so they -- it</p> <p>7 happened to a lot of people.</p> <p>8 Q. And is that also why you object to class</p> <p>9 cases, or are you trying to do something different?</p> <p>10 A. I can't answer that a "yes" or "no." I don't</p> <p>11 think it's real clear to me.</p> <p>12 Q. The reason I asked is, you just said that</p> <p>13 sometimes you get the objections and you realize the</p> <p>14 companies have done something bad and then you object</p> <p>15 --</p> <p>16 A. Did I say "bad"?</p> <p>17 Q. I was paraphrasing. I'm sorry, I paraphrase.</p> <p>18 A. I think I was saying that sometimes companies</p> <p>19 are dishonest and they manipulate people unfairly.</p> <p>20 Q. And that's why you object to class actions?</p> <p>21 A. You know what, it's not -- okay. I'm not</p> <p>22 being real clear here. I think you are saying why I</p> <p>23 object to the class action is because sometimes I</p> <p>24 think that what is given -- often, what the result of</p> <p>25 that is unfair to the class.</p>	<p>1 Q. Have you ever talked about an objection with</p> <p>2 anyone from Hawaii, that you recall?</p> <p>3 A. No.</p> <p>4 Q. When did you -- if you know, when did you</p> <p>5 hire Mr. Kennedy to object in the Chase Bank matter?</p> <p>6 A. I don't recall.</p> <p>7 Q. But you hired him before the objection was</p> <p>8 tendered in that case; is that fair to say?</p> <p>9 A. Yes.</p> <p>10 Q. And his name appears on this objection that</p> <p>11 was filed on your behalf; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. And if you go to page 5 of the Objection, let</p> <p>14 me know when you are there. And on page 5, you see</p> <p>15 right above where it says, "dated March 23rd," there's</p> <p>16 a signature, do you see that?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Is that your signature?</p> <p>19 A. You know what, I assume it is.</p> <p>20 Q. It doesn't look anything like your other</p> <p>21 signatures is why I ask.</p> <p>22 A. Well, I make some pretty bad signatures</p> <p>23 sometimes.</p> <p>24 Q. Let me ask you this, because I'm not trying</p> <p>25 to beat you up, do you see in front of it, it has a</p>
Page 70	Page 72
<p>1 Q. And so you felt that whatever was being given</p> <p>2 to the class was unfair in this Chase case?</p> <p>3 A. You know, I don't recall, exactly, the</p> <p>4 details of it. I even -- I barely remember. It's</p> <p>5 been a rough year.</p> <p>6 Q. I understand and I apologize if you've had a</p> <p>7 rough year. And I apologize for the deposition, but</p> <p>8 you did file an objection, so I do get to ask some</p> <p>9 questions.</p> <p>10 A. I understand. Life goes on.</p> <p>11 Q. I'm not trying to over complicate your life,</p> <p>12 just trying to get questions answered.</p> <p>13 So T. Michael Kennedy, how did you come to</p> <p>14 hire Mr. Kennedy?</p> <p>15 A. I think I heard about him from a friend, or</p> <p>16 else I found him on the Internet. I really don't</p> <p>17 remember.</p> <p>18 Q. If you heard about him from a friend, where</p> <p>19 would that friend be from, if you know?</p> <p>20 A. You know, I have a lot of friends. I don't</p> <p>21 remember.</p> <p>22 Q. If there was someone from Hawaii that put you</p> <p>23 in touch with Mr. Kennedy, do you know who that would</p> <p>24 be?</p> <p>25 A. No.</p>	<p>1 "/S/."</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And if you turn to page 6, you'll see that</p> <p>5 those have "/S/," too, which is something attorneys do</p> <p>6 when they are signing on behalf of somebody else,</p> <p>7 which is perfectly acceptable. I was just trying to</p> <p>8 figure out why the signatures look different.</p> <p>9 So now, knowing that "/S/" sometimes just</p> <p>10 means "with permission," do you still think you signed</p> <p>11 it, or maybe you gave permission to somebody to sign?</p> <p>12 A. Maybe I gave permission. I really don't</p> <p>13 remember.</p> <p>14 Q. That's fine, but on this one, this was filed</p> <p>15 by your attorney in that case; correct?</p> <p>16 A. Okay.</p> <p>17 Q. Is that correct?</p> <p>18 A. I don't remember.</p> <p>19 Q. That's okay. Let's set that one aside, over</p> <p>20 on the pile of exhibits. That's something I do so I</p> <p>21 never run away with them. They get really angry if</p> <p>22 you run away with exhibits.</p> <p>23 MR. WALSH: I am going to have this marked as</p> <p>24 Exhibit 7. And Mardi. I'm marking the Joint Motion</p> <p>25 for Withdrawal.</p>

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19 (Pages 73 to 76)

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<p>1 (Plaintiff's Exhibit 7 was marked for 2 identification.) 3 BY MR. WALSH: 4 Q. And what has just been handed to you was 5 something I would represent to you was filed by both 6 your attorney, T. Michael Kennedy, and by plaintiff's 7 counsel, Ben Bingham, in the Chase case. And take a 8 moment, look at it. Let me know when you are done 9 looking at it. 10 A. Okay. Okay. I'm done looking at it. 11 Q. I just wanted you to look at it so we can 12 know we're looking at the same top. Look at the top, 13 I'm going to read it. Let me know if I've read it 14 correctly. "Joint Motion for Approval of Withdrawal 15 of Objection of Patrick John Hollins and Shirley 16 Morales." 17 Did I read that correctly? 18 A. Yes. 19 Q. And you are the "Shirley Morales" we're 20 talking about; correct? 21 A. That's right. 22 Q. And if you would, go down to paragraph 1, and 23 just let me know if I've read this correctly. "The 24 parties have satisfied themselves that Mr. Hollins and 25 Ms. Morales are not members of this class. Non-class</p>	<p>1 earlier about how you would want a settlement improved 2 in this matter, how would you like to see that 3 implemented? 4 A. You know, I haven't imagined into that, so I 5 don't know. 6 MR. WALSH: I'm going to let Michael ask you 7 some questions, and then I may have a few others. 8 Thank you. 9 EXAMINATION 10 BY MR. SHORTNACY: 11 Q. Hi, Ms. Morales. My name is 12 Michael Shortnacy. I'm an attorney. I represent 13 Shop-Vac Corporation and Lowe's Home Centers, LLC. I 14 have a few followup questions to what Mr. Walsh was 15 asking you about just now. I wanted to just go to 16 Exhibit 4. 17 A. Here it is. 18 MS. HARRISON: Refresh me on what Exhibit 4 19 is. 20 MR. SHORTNACY: Exhibit 4 is the photograph 21 with the three wet/dry vacuums. 22 BY MR. SHORTNACY: 23 Q. I want to try to get the timing a little more 24 filled, in terms of when you purchased these units. 25 One thing I will represent to you, Ms. Morales, during</p>
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<p>1 members do not have standing to object to class action 2 settlement." 3 Did I read that correctly? 4 A. Yes. 5 Q. If you turn to the next page, would you agree 6 with me that this is signed by -- electronically, with 7 "/s/" from Ben Bingham, for Bingham & Lea, and your 8 attorney, T. Michael Kennedy. 9 A. Yes. 10 Q. I think that's all the question I have about 11 that. I have a few other questions that are hanging 12 out there that I wanted to ask, and then I'm going to 13 let Michael ask you some questions, and I might have a 14 few followup questions after he's done. You can set 15 that one aside. 16 Now, when we're talking about the Shop-Vac 17 class action settlement, what improvements to the 18 settlement would you want made, if any? 19 MS. HARRISON: I believe you've already asked 20 her that. 21 MR. WALSH: You know what, I think you are 22 right. I think I did ask her that, and I think she 23 answered it. So don't answer that one. 24 BY MR. WALSH: 25 Q. In regards to those items you mentioned</p>	<p>1 the break, I took a look at the unit you brought with 2 you today, and under the lid of the unit there's a 3 little date stamp that's pressed into the unit when it 4 rolls off the assembly line and that provides a date 5 that it was made. I will represent to you that this 6 unit was made on or about April 21st, 2010. 7 A. Okay. 8 Q. So I want to try to fill in some of the 9 dates, then. Just accepting that representation -- 10 A. Sure. 11 Q. -- you would have then purchased it sometime 12 after it was made. 13 A. That could be. 14 Q. And it's consistent with what you said in the 15 2010 -- 16 A. Sure. 17 Q. Let me finish. 18 A. Sorry. 19 Q. Consistent with what you said before, in 20 terms of timeframe you recalled purchasing it; 21 correct? 22 A. Uh-huh. 23 Q. So can you help me, tell me what you 24 remember -- if that helps you, the 2010 date -- in 25 terms of the purchase of the Stanley unit, do you</p>

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20 (Pages 77 to 80)

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<p>1 recall when you purchased that unit?</p> <p>2 A. Well, it wasn't -- within a year or some</p> <p>3 months of after I purchased that one.</p> <p>4 Q. So after the middle Shop-Vac unit --</p> <p>5 A. Right. I purchased --</p> <p>6 Q. -- after some period of time --</p> <p>7 A. Right.</p> <p>8 Q. -- you then purchased the Stanley?</p> <p>9 A. Right.</p> <p>10 Q. Can you help me with how long a time period</p> <p>11 we're talking about?</p> <p>12 A. I believe that it was less than a year, but I</p> <p>13 cannot tell you exactly.</p> <p>14 Q. So let's say -- you and I can agree, then,</p> <p>15 that you purchased the middle Shop-Vac unit sometime</p> <p>16 after April of 2010; correct?</p> <p>17 A. That -- I will agree to that, yes.</p> <p>18 Q. And so sometime between then -- a year or so</p> <p>19 later is when you bought the Stanley; is that correct?</p> <p>20 A. Sometime in there, yes.</p> <p>21 Q. Going the other direction, was the first</p> <p>22 Shop-Vac unit, the oldest one, depicted on the left --</p> <p>23 A. Yes.</p> <p>24 Q. -- of this photograph?</p> <p>25 A. Yes.</p>	<p>1 working almost immediately, so I think we threw it</p> <p>2 away.</p> <p>3 Q. Do you recall where you purchased that from?</p> <p>4 A. No. Actually, I didn't purchase that one.</p> <p>5 My partner did. I purchased this one and I purchased</p> <p>6 that one at Bi-Mart (indicating).</p> <p>7 Q. And "this one," meaning the one on the far</p> <p>8 left of the photograph?</p> <p>9 A. That's right.</p> <p>10 Q. You bought it at Bi-Mart?</p> <p>11 A. Bi-Mart.</p> <p>12 Q. Do you recall how much you paid?</p> <p>13 A. I think I probably paid about 39, 40 -- in</p> <p>14 there, but I'm not sure. I know it was a little less</p> <p>15 than this one.</p> <p>16 Q. And do you recall when you made that</p> <p>17 purchase?</p> <p>18 A. No, not exactly, but I do remember that, kind</p> <p>19 of a little bit of details around when he bought the</p> <p>20 other one, not too long after this and where I was</p> <p>21 living at the time. So I would say that -- well,</p> <p>22 actually, there were some changes made in my house.</p> <p>23 What I meant was where the hot tub was at time, things</p> <p>24 like that.</p> <p>25 Q. Also, I mean, 2010 may help. So for how long</p>
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<p>1 Q. Was it operational still at the time you</p> <p>2 purchased the middle unit?</p> <p>3 A. I couldn't count on it. Sometimes I could</p> <p>4 get it to operate and sometimes I couldn't. That's</p> <p>5 why I bought another one.</p> <p>6 Q. And is it correct that the primary use of</p> <p>7 each of these three units it to empty the water out of</p> <p>8 your hot tub?</p> <p>9 A. Well, the first one, I don't know that it was</p> <p>10 the primary use. I've always tended to have a</p> <p>11 Shop-Vac around, just because there's a lot of</p> <p>12 different uses.</p> <p>13 Q. I think, before, you said, as long as you've</p> <p>14 been a homeowner.</p> <p>15 Prior to the Shop-Vac in this picture on the</p> <p>16 far left, have you owned other Shop-Vacs?</p> <p>17 A. I know that I had at least one more, and that</p> <p>18 was before I was a homeowner, actually, when I was a</p> <p>19 renter.</p> <p>20 Q. Any other Shop-Vacs?</p> <p>21 A. We had one other one that was purchased right</p> <p>22 after this one, and it was tall. It was a larger</p> <p>23 capacity, and we bought it because -- and it had</p> <p>24 little spigot on it that you could empty the water out</p> <p>25 of. So we thought it would be good, but it just quit</p>	<p>1 were using this unit on the far left, before 2010,</p> <p>2 when you bought the middle unit?</p> <p>3 A. I know I had it in 2001. I don't know any</p> <p>4 more than that.</p> <p>5 Q. So we're talking about a nine-year spread,</p> <p>6 more or less, 2001 to 2010.</p> <p>7 A. Uh-huh -- yeah.</p> <p>8 Q. Do you know what the capacity is of the</p> <p>9 Stanley unit?</p> <p>10 A. I think it's only a four-gallon, actually.</p> <p>11 Q. And do you know what the power rating is?</p> <p>12 A. Well, it says "2.8," right there.</p> <p>13 Q. So you are looking at that from the</p> <p>14 photograph?</p> <p>15 A. I'm looking at that photograph, and I -- you</p> <p>16 know, otherwise, I wouldn't know.</p> <p>17 Q. And do you have any opinion or understanding</p> <p>18 of the differential in power between the middle unit</p> <p>19 and the Stanley unit?</p> <p>20 A. No. I just know that this one is lot more</p> <p>21 efficient.</p> <p>22 Q. And by "efficient," what do you mean?</p> <p>23 A. You know, I'm very intuitive, so I guess when</p> <p>24 I'm using it, it's stronger and it doesn't tip, and,</p> <p>25 you know, I'm just happy with it. That's all.</p>

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21 (Pages 81 to 84)

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<p>1 Q. And when you are saying "it's stronger," the</p> <p>2 "it" is the Stanley unit you are referring to?</p> <p>3 A. Uh-huh. It's more powerful. It seems to me</p> <p>4 that it is, anyway.</p> <p>5 Q. What indicators to you suggest that it -- the</p> <p>6 Stanley unit is more powerful than the middle shop</p> <p>7 vacuum?</p> <p>8 A. I think the sound that it makes and the way</p> <p>9 it quickly pulls the water up.</p> <p>10 Q. And so you are using the Stanley unit, as</p> <p>11 well, to empty the hot tub water?</p> <p>12 A. That's what I use it for. I've never used</p> <p>13 the Stanley unit for anything else.</p> <p>14 Q. How about the middle Shop-Vac unit?</p> <p>15 A. I used it to empty the hot tub, and then I</p> <p>16 let other people use it for other things.</p> <p>17 Q. So the power representation on the Shop-Vac,</p> <p>18 you see that as a 2.0; is that correct?</p> <p>19 A. Uh-huh.</p> <p>20 Q. And this Stanley unit is listed at a 2.8; is</p> <p>21 that correct?</p> <p>22 A. That's right.</p> <p>23 Q. Does the Stanley unit have a spigot, like you</p> <p>24 referred to before, where you can drain water out?</p> <p>25 A. No.</p>	<p>1 A. It's been too long for me to remember.</p> <p>2 Obviously, this is small. I know it, but it was a</p> <p>3 good price, and it looked like a good item. So I just</p> <p>4 purchased it. It's taller. I don't have to bend over</p> <p>5 as far. So that doesn't bother me that it doesn't</p> <p>6 pick up as much water. Of course, I like this one</p> <p>7 better (indicating).</p> <p>8 Q. Just to clarify, so the record will be clear,</p> <p>9 you are saying the Stanley unit is taller, and that's</p> <p>10 the one were you referring to that it doesn't bother</p> <p>11 you --</p> <p>12 A. It doesn't bother me as much to have to bend</p> <p>13 down and pick it up. But I guess that's irrelevant.</p> <p>14 I probably shouldn't have even included that, even</p> <p>15 though I know it's only a four-gallon capacity. It</p> <p>16 does fill to the top.</p> <p>17 Q. The top of what?</p> <p>18 A. The top of the tank.</p> <p>19 Q. In your experience, using the Stanley unit,</p> <p>20 it does not have a cutoff feature?</p> <p>21 A. It probably has one. Not like this one. It</p> <p>22 only fills to about here (indicating).</p> <p>23 Q. So you are referring to the middle Shop-Vac</p> <p>24 unit?</p> <p>25 A. Uh-huh.</p>
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<p>1 Q. So you have to empty the Stanley?</p> <p>2 A. I have to empty it.</p> <p>3 Q. And that's true also for the middle Shop-Vac</p> <p>4 unit?</p> <p>5 A. That's right.</p> <p>6 Q. How much water do you take out of your hot</p> <p>7 tub when you are emptying it?</p> <p>8 A. I would be guessing. It's the lower portion.</p> <p>9 About this much (indicating).</p> <p>10 Q. So you've made a hand reference. So for your</p> <p>11 counsel, because she's not here, about a foot of</p> <p>12 water.</p> <p>13 Is that fair?</p> <p>14 A. I'd say, 15 inches from the bottom.</p> <p>15 Q. How many times do you have to empty the</p> <p>16 Stanley unit when you are taking out that 15 inches of</p> <p>17 water?</p> <p>18 A. I need to guess at that.</p> <p>19 Q. Okay.</p> <p>20 A. I don't count.</p> <p>21 Q. Take a guess.</p> <p>22 A. More than five, less than ten. I'd say about</p> <p>23 six or seven.</p> <p>24 Q. And how about for the middle Shop-Vac unit</p> <p>25 when you were using it to empty your hot tub?</p>	<p>1 Q. So you think you are able to fill up the</p> <p>2 Stanley unit higher, to its four-gallon stated</p> <p>3 capacity?</p> <p>4 A. Uh-huh, yeah, I assume.</p> <p>5 Q. About how often do you use the Stanley unit</p> <p>6 to empty your hot tub?</p> <p>7 A. Probably only a couple times a year.</p> <p>8 Q. I want to ask some questions, just to follow</p> <p>9 up on how you found out about the settlement. You</p> <p>10 mentioned before that you may have seen it referenced</p> <p>11 online or you may have heard about it from others that</p> <p>12 work for you.</p> <p>13 Who were the other people doing work for you</p> <p>14 that were you were talking about?</p> <p>15 A. I have a bunch of guys that have been helping</p> <p>16 do some repair work on my home.</p> <p>17 Q. And so you think you may have heard about the</p> <p>18 settlement from them?</p> <p>19 A. It could be.</p> <p>20 Q. Do you recall when?</p> <p>21 A. Well, let's see, we started last summer, and</p> <p>22 we're still going at it. So we had to break for a</p> <p>23 while. No, I can't tell you, for sure.</p> <p>24 Q. Let me give you a couple of dates, and it</p> <p>25 might help your recollection.</p>

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22 (Pages 85 to 88)

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<p>1 A. Okay.</p> <p>2 Q. The court in this action granted preliminary</p> <p>3 approval to the settlement on May 26th, 2016, so this</p> <p>4 summer. That order directed notice to be given to the</p> <p>5 identified class members and contained a lot of other</p> <p>6 information. Importantly, it directed notice, and</p> <p>7 notice was then made on or around June 16th or so.</p> <p>8 A. Okay.</p> <p>9 Q. This summer. So I imagine you would agree</p> <p>10 with me that you heard about this settlement only</p> <p>11 after notice was made available to the public; is that</p> <p>12 right?</p> <p>13 A. I assume so. I'm assuming. I honestly don't</p> <p>14 recall.</p> <p>15 Q. So my question is: Assuming that notice was</p> <p>16 made on June 16th and that notice was published on</p> <p>17 various websites, post cards were mailed -- but you</p> <p>18 said you didn't receive a post card or e-mail;</p> <p>19 correct?</p> <p>20 A. I don't recall receiving either.</p> <p>21 Q. So when you became aware of the settlement,</p> <p>22 tell me what you did. What's the first thing did you?</p> <p>23 A. I think I just did a little research about</p> <p>24 it. I think I just looked for it online, a little bit</p> <p>25 of information.</p>	<p>1 testified that she frequently or with some frequency</p> <p>2 receives notices about class action settlements.</p> <p>3 BY MR. SHORTNACY:</p> <p>4 Q. So my question is: By what means do you get</p> <p>5 these notices?</p> <p>6 A. Mail, usually by mail.</p> <p>7 Q. Are you aware of websites that collect class</p> <p>8 action settlement information?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know any of the names of them?</p> <p>11 A. I don't remember. I don't try to remember</p> <p>12 names of them, but I have been on them. I've seen</p> <p>13 them.</p> <p>14 Q. Are you signed up on any of these websites to</p> <p>15 receive alerts regarding class action settlements?</p> <p>16 A. No.</p> <p>17 Q. Do you have any of those websites bookmarked</p> <p>18 on your Internet browser?</p> <p>19 A. No.</p> <p>20 Q. Do you visit these websites to look and see</p> <p>21 what settlements are filed and to see if you are a</p> <p>22 purchaser of a product that may be affected by these</p> <p>23 settlements?</p> <p>24 A. I have, on occasion.</p> <p>25 Q. And how often?</p>
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<p>1 Q. What did you find out?</p> <p>2 A. Honestly, I don't really remember.</p> <p>3 Q. Did you reach out to Counsel at any point?</p> <p>4 A. Yes.</p> <p>5 Q. And who did you reach out to?</p> <p>6 A. Mardi.</p> <p>7 Q. And did Ms. Harrison contact you first</p> <p>8 regarding this matter?</p> <p>9 A. No. I think -- I don't remember how it went.</p> <p>10 Q. Had you worked with Ms. Harrison before?</p> <p>11 A. No.</p> <p>12 Q. Do you know Ms. Harrison personally?</p> <p>13 A. No.</p> <p>14 Q. Had you spoken with her or communicated with</p> <p>15 her prior to working in connection with this</p> <p>16 settlement?</p> <p>17 A. No, I don't believe so.</p> <p>18 Q. You said before that you often receive</p> <p>19 notices about settlements; is that correct?</p> <p>20 A. Uh-huh.</p> <p>21 Q. How do you receive that information?</p> <p>22 A. Well, I --</p> <p>23 MS. HARRISON: I'm not hearing the whole</p> <p>24 question.</p> <p>25 MR. SHORTNACY: The question is, Ms. Morales</p>	<p>1 A. I don't know how to say that, not often, just</p> <p>2 on occasion.</p> <p>3 Q. And does that refresh your recollection about</p> <p>4 how you found out about the Shop-Vac settlement?</p> <p>5 A. You know, I do remember reading about the</p> <p>6 Shop-Vac settlement online, but I don't remember where</p> <p>7 I first saw it.</p> <p>8 Q. Do you have a written agreement with</p> <p>9 Ms. Harrison to represent you in this matter?</p> <p>10 + MS. HARRISON: Objection. That is</p> <p>11 privileged.</p> <p>12 MR. SHORTNACY: Are you instructing the</p> <p>13 witness not to answer that question?</p> <p>14 MS. HARRISON: I am.</p> <p>15 MR. SHORTNACY: The fact of a written</p> <p>16 agreement is -- I assert -- not privileged. With that</p> <p>17 clarification, is that still your instruction,</p> <p>18 Counsel?</p> <p>19 MS. HARRISON: It is.</p> <p>20 BY MR. SHORTNACY:</p> <p>21 Q. Is Ms. Harrison your attorney?</p> <p>22 A. Yes.</p> <p>23 Q. And how do you understand her to be acting on</p> <p>24 your behalf?</p> <p>25 A. I don't know how to answer that question. I</p>

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23 (Pages 89 to 92)

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<p>1 mean, I don't know how to answer that. We</p> <p>2 communicate.</p> <p>3 Q. How frequently?</p> <p>4 A. I don't know how to answer that, either.</p> <p>5 We've had phone calls and e-mails, a number of</p> <p>6 interactions.</p> <p>7 Q. Do you recall the first time, in terms of</p> <p>8 date, when you first communicated with Ms. Harrison?</p> <p>9 A. No, I don't.</p> <p>10 Q. Was it this summer?</p> <p>11 A. Yes.</p> <p>12 Q. But not before that?</p> <p>13 A. I don't think so.</p> <p>14 MR. SHORTNACY: Do you want to take a short</p> <p>15 break and see how much longer or further questioning</p> <p>16 we have?</p> <p>17 MR. WALSH: I don't think it's going to be</p> <p>18 long, but let's take a five-minute break.</p> <p>19 MR. SHORTNACY: We'll go off the record.</p> <p>20 (Recess.)</p> <p>21 FURTHER EXAMINATION</p> <p>22 BY MR. WALSH:</p> <p>23 Q. I appreciate both you meeting here. I know</p> <p>24 we did this to accommodate everyone's schedules.</p> <p>25 Thank you.</p>	<p>1 A. No.</p> <p>2 Q. I didn't think it would.</p> <p>3 Do you remember who the plaintiff's counsel</p> <p>4 in that was?</p> <p>5 A. No.</p> <p>6 Q. If I said the name, "Michael Reese," would</p> <p>7 that name have any meaning to you?</p> <p>8 A. No.</p> <p>9 Q. You don't remember whether or not he was a</p> <p>10 counsel in that case?</p> <p>11 A. No.</p> <p>12 Q. And that's fine. I'm just all about what you</p> <p>13 remember. Now, you stated in Interrogatory</p> <p>14 No. 5 -- and you can look it up, if you want, or I'll</p> <p>15 read it to you, and if it sounds right, then that's</p> <p>16 all we need. Let me read it to you, first. This may</p> <p>17 be enough. You said, "I recall both my counsel and I</p> <p>18 receiving some compensation around an appeal, but I</p> <p>19 don't recall any amounts."</p> <p>20 Does that sound about --</p> <p>21 A. That's right.</p> <p>22 Q. What did you mean when you said "around an</p> <p>23 appeal," if you know?</p> <p>24 A. "Around an appeal"?</p> <p>25 Q. Uh-huh.</p>
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<p>1 A. Thank you for Sunday.</p> <p>2 Q. No problem.</p> <p>3 A. I don't have to stress.</p> <p>4 Q. Right. We try to be accommodating.</p> <p>5 Now let's shift down to the hard stuff here.</p> <p>6 All right. We talked about the interrogatories</p> <p>7 earlier and one of them was about had you gotten</p> <p>8 compensation in one of these before. And we talked</p> <p>9 about that, but I did not talk about the timing, and I</p> <p>10 want to go back and talk about the timing a little</p> <p>11 bit.</p> <p>12 A. Okay.</p> <p>13 Q. That case where you and your counsel received</p> <p>14 compensation, that was the Crystle Wong/Alacer case;</p> <p>15 correct?</p> <p>16 A. That's right.</p> <p>17 Q. And that was one that was filed in</p> <p>18 Los Angeles -- do you know?</p> <p>19 A. I don't remember exactly what city.</p> <p>20 Q. But it was in California; correct?</p> <p>21 A. I think so. I'd have to look again.</p> <p>22 Q. I don't think I brought it with me. So I'll</p> <p>23 read you the case number. The case number was</p> <p>24 CGC-12-519221, but that's all the info I have.</p> <p>25 Does that help you remember where is it?</p>	<p>1 A. I have no idea.</p> <p>2 Q. Let's talk about this, do you know if you</p> <p>3 received -- how long after you made an objection did</p> <p>4 you receive compensation, if you know?</p> <p>5 A. I don't recall.</p> <p>6 Q. Do you recall if final approval was given to</p> <p>7 the settlement?</p> <p>8 A. I'm sorry.</p> <p>9 Q. Let me ask that better.</p> <p>10 Do you recall if final approval was given by</p> <p>11 the court in the Crystle Wong versus Alacer case?</p> <p>12 A. I don't recall.</p> <p>13 Q. Does that mean anything to you -- that</p> <p>14 question I just asked you?</p> <p>15 A. No.</p> <p>16 Q. Do you understand what it is for a case to</p> <p>17 get final approval?</p> <p>18 A. I would be guessing.</p> <p>19 Q. And I don't want you to guess.</p> <p>20 A. All right.</p> <p>21 Q. But would you agree with me that an appeal</p> <p>22 was filed in the Crystle Wong case? Do you know?</p> <p>23 A. An appeal?</p> <p>24 Q. Correct. Let me ask a better question?</p> <p>25 A. Okay.</p>

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24 (Pages 93 to 96)

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<p>1 Q. Do you know if you filed an appeal in the</p> <p>2 Crystle Wong case?</p> <p>3 A. I don't remember what it was called that I</p> <p>4 did. I would need to look. Can I look here?</p> <p>5 Q. Sure. Absolutely. I'm not trying to hide</p> <p>6 it.</p> <p>7 A. Where is this?</p> <p>8 Q. That will be Exhibit No. 3 on page No. 2.</p> <p>9 And that is in response to Interrogatory No. 5.</p> <p>10 A. You know, I just have to say, I don't</p> <p>11 remember. I don't remember much about it.</p> <p>12 Q. That's fine. Let's ask this, do you remember</p> <p>13 how long you were involved in that Crystle Wong case</p> <p>14 from start to finish?</p> <p>15 A. No.</p> <p>16 Q. Was it years?</p> <p>17 A. No.</p> <p>18 Q. Was it months?</p> <p>19 A. I don't recall, but I know it wasn't years.</p> <p>20 Q. Do you know if it was more than one year?</p> <p>21 A. Gosh, I don't remember.</p> <p>22 Q. Do you think it was less than a year?</p> <p>23 A. Honestly, I'm sorry, I don't recall.</p> <p>24 Q. That's okay.</p> <p>25 Would you agree with me on this -- because</p>	<p>1 MS. HARRISON: I am instructing her not to</p> <p>2 answer.</p> <p>3 MR. WALSH: So, Ms. Harrison, if I were to</p> <p>4 ask any further questions about that agreement and</p> <p>5 what that agreement contained, you would make that</p> <p>6 objection or similar objections. Is that fair to say?</p> <p>7 MS. HARRISON: That is very fair to say.</p> <p>8 MR. WALSH: Michael, did you have further</p> <p>9 questions?</p> <p>10 MR. SHORTNACY: No further questions.</p> <p>11 BY MR. WALSH:</p> <p>12 Q. Ms. Morales, thank you very much for your</p> <p>13 time today. Was there any reason that any answer you</p> <p>14 gave today would not be to the full extent of your</p> <p>15 knowledge?</p> <p>16 A. Pardon me?</p> <p>17 Q. Sure. You are not under any -- well, you are</p> <p>18 not taking any medications right now that would affect</p> <p>19 your ability to give truthful answers, are you?</p> <p>20 A. No.</p> <p>21 Q. And you didn't go and have a five-martini</p> <p>22 lunch or anything like that that would impair your</p> <p>23 ability to understand my questions today?</p> <p>24 A. No.</p> <p>25 Q. So my question was just basically: Was there</p>
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<p>1 this is a California case, so California cases have</p> <p>2 all of their dockets online. So if I was able to go</p> <p>3 online and I saw something that showed your Objection</p> <p>4 and then I saw something that showed your appeal being</p> <p>5 withdrawn, you wouldn't have any reason to dispute</p> <p>6 those dates, would you?</p> <p>7 A. I wouldn't have any reason to dispute</p> <p>8 anything, because I don't remember.</p> <p>9 Q. Fair enough.</p> <p>10 MR. WALSH: All right. Mardi, I'm going to</p> <p>11 revisit something, you are probably going to object to</p> <p>12 it, but I'm going ask.</p> <p>13 So give her time to object if she wants to.</p> <p>14 Where you made an objection earlier,</p> <p>15 Ms. Harrison, I have a question for Ms. Morales.</p> <p>16 BY MR. WALSH:</p> <p>17 Q. And that question is: Ms. Morales, I just</p> <p>18 want to know, "yes" or "no," whether or not you and</p> <p>19 Ms. Harrison have a written agreement.</p> <p>20 + MS. HARRISON: And I'm going object and</p> <p>21 direct her not to answer. It's irrelevant and it is</p> <p>22 confidential.</p> <p>23 MR. WALSH: So I'm going ask your counsel,</p> <p>24 are you instructing your client not answer that</p> <p>25 question?</p>	<p>1 any reason that you could share with us now that would</p> <p>2 be a reason that would cause you to give inaccurate</p> <p>3 answers here today? I'm not trying to be tricky. I'm</p> <p>4 just trying to ask, there's no medical condition,</p> <p>5 there's no medication you are taking, there's no</p> <p>6 five-martini lunches --</p> <p>7 A. No.</p> <p>8 Q. -- that would impair your ability to answer a</p> <p>9 question?</p> <p>10 A. No.</p> <p>11 Q. And when you haven't understood my questions</p> <p>12 today, you've asked me to clarify; is that correct?</p> <p>13 A. I've done the best that I could to do that.</p> <p>14 I don't -- I can't tell you that I've asked every</p> <p>15 little --</p> <p>16 Q. But if you didn't understand, you tried to</p> <p>17 make you know you didn't understand?</p> <p>18 A. I tried to, yes.</p> <p>19 MR. WALSH: Again, I thank you for your time</p> <p>20 and I have no further questions.</p> <p>21 Ms. Harrison, do you have any questions for</p> <p>22 your client?</p> <p>23 MS. HARRISON: I do not.</p> <p>24 (Deposition concluded at 5:13 p.m.)</p> <p>25</p>

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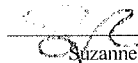
REPORTER'S CERTIFICATE

I, Suzanne Ricardo, a Certified
Shorthand Reporter No. 13659, do hereby certify:

That the foregoing proceedings were
taken before me at the time and place herein set
forth; that any witnesses in the foregoing
proceedings, prior to testifying, were placed under
oath; that a verbatim record of the proceedings was
made by me using machine shorthand which was
thereafter transcribed under my direction; further,
that the foregoing is an accurate transcription
thereof.

I further certify that I am neither
financially interested in the action nor a relative or
employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have hereunto
subscribed my name this 12th day of September, 2016.


Suzanne Ricardo
CSR No. 13659



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